

BURUNDI'S SCHEDULE OF SPECIFIC COMMITMENTS
COMESA NEGOTIATIONS ON TRADE IN SERVICES

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BURUNDI - SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS			
	<p>4) Unbound with the exception of:</p> <p>Intra-corporate transferees: staff transferred from the head office of the country of origin to work on a temporary basis at a subsidiary in Burundi. Each company can bring in expatriates up to 5% of total workforce.</p> <p>Business visitors: Staff employed by a foreign service supplier entering Burundi for business meetings. They cannot engage in direct services provision. Authorized to stay for a duration of up to 90 days in a calendar year.</p>	<p>4) None for intra-corporate transferees and business visitors.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
II. SECTOR-SPECIFIC COMMITMENTS			
2. COMMUNICATION SERVICES B. Courier Services (CPC 7512) Express courier services C. Telecommunication services (CPC 7521 voice telephone services -7523** packet-switched data transmission services, circuit-switched data transmission services, online information and data base retrieval, 7529**, 843**) D. Audiovisual Services (CPC 9611-9613 and 7524)	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section. 1) None 2) None 3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section. 1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section.	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section » 1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section. 1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section.	Adhere to the reference paper on basic telecommunications
7. FINANCIAL SERVICES A. Insurance Services			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
a. Life, accident and health insurance services (CPC 8121)	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section.	
b. Non-life insurance services (CPC 8129)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section.	
c. Reinsurance and retrocession (CPC 81299*)	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section.	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section	
d. Services auxiliary to insurance (CPC 8140)	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section.	1) None 2) None 3) None 4) Unbound	
B. Banking and other financial services			
All banking and other financial services excluding insurance (a-l), with their corresponding CPC	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section 3	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section 3	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
TOURISM AND TRAVEL SERVICES			
A. Hotel and restaurant services (incl. catering) (CPC 641-643)	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section	
B. Travel agencies and tour operators services (CPC 7471)	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section	
C. Tourist guides services (CPC 7472)	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section	1) None 2) None 3) None 4) Unbound except as indicated in the "horizontal commitments" section	
TRANSPORT SERVICES			
MARITIME TRANSPORT Not applicable: Burundi is a landlocked country			
INLAND WATERWAYS TRANSPORT			
Inland waterway transport services (CPC 7221-24, 8868**745**)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	4) Unbound except as indicated in the "horizontal commitments" section	4) Unbound except as indicated in the "horizontal commitments" section	
AIR TRANSPORT Air Transport Air transport service (CPC 731, 732, 734, 746 and 8868**)	1) None 2) None 3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	1) None 2) None 3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	
RAILWAY TRANSPORT SERVICES Railway Transport services (CPC 7111-7113, 8868** and 743)	1) None 2) None 3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	1) None 2) None 3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	
ROAD TRANSPORT SERVICES Road Transport (CPC 7121-24, 6112, 8867 and 744)	1) None 2) None 3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	1) None 2) None 3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	
PIPELINE TRANSPORTATION SERVICE Pipeline transportation service	1) None 2) None	1) None 2) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
(CPC 7131 and 7139)	3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	



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**COMMON MARKET FOR EASTERN
AND SOUTHERN AFRICA**

The First Meeting of the Committee on Trade in Services

Victoria Falls, Zimbabwe
1- 4 September 2009

**COMESA GUIDELINES FOR SERVICES NEGOTIATIONS UNDER THE COMESA
REGULATIONS ON TRADE IN SERVICES**

09- (mmn)

1. The Council of Ministers adopted the Regulations on Trade in Services on 4 June 2009 in Victoria Falls.
2. The Regulations provide for negotiation of schedules of specific commitments on the basis of Guidelines to be determined by the Committee on Trade in Services established under the Regulations.
3. These Guidelines adopted by the Committee on Trade in Services will guide the negotiation of schedules of specific commitments. The negotiations shall be consistent with and take place on the basis of the Regulations on Trade in Services.

Objectives

4. The negotiations shall be governed by the objectives in the Treaty and Regulations on Trade in Services.

Forum

5. Member States shall undertake the negotiation of the schedules of specific commitments in the Committee on Trade in Services.

Approach

6. The positive list approach will be used in liberalisation of trade in services.
7. Member States shall exchange offers and requests on the basis of which schedules of specific commitments shall be agreed. The commitments shall include sectors and sub-sectors that Member States have liberalised under COMESA programs.
8. Member States shall extend their commitments under the General Agreement on Trade in Services to all other COMESA Member States that are not Members of the World Trade Organisation.
9. Member States shall make initial offers, following which other Member States may request for improvements to achieve deeper or wider liberalisation in the sectors or sub sectors. The offers shall be made and negotiated in line with the timeframe indicated in the roadmap annexed to these Guidelines.
10. A Member State may make a request:
 - 1) To another Member State,
 - 2) To a group of Member States, or
 - 3) To all the other Member States
11. A request may seek:
 - 1) Commitments in the new sectors or sub sectors indicated
 - 2) Elimination or reduction of restrictions or limitations in sectors or sub sectors in which a Member State has undertaken commitments
 - 3) The scheduling of sectors or sub sectors that a Member State has autonomously liberalised

12 A Member State may make an offer in response to requests or on its own motion. The offer shall be in the form of a commitment to be scheduled as indicated in paragraph 23.

13 The requests and offers shall be sent directly to the Secretariat in accordance with the formal channels of communication. Upon receipt, the Secretariat shall transmit the request and offers to all Member States for their consideration and action.

14 The requests and offers shall form the basis for the negotiations in the Committee on Trade in Services.

Sectoral Coverage

15 Member States shall be encouraged to undertake commitments in all the following sectors:

- 1) Business
- 2) Communication
- 3) Construction and Related Engineering
- 4) Distribution
- 5) Education
- 6) Environmental
- 7) Financial
- 8) Health Related and Social
- 9) Tourism and Travel Related
- 10) Recreational, Cultural and Sporting
- 11) Transport, and
- 12) Other services including Energy

Priority sectors

16 All Member States shall undertake commitments in the following indicative priority sectors:

- a) Business
- b) Communication
- c) Transport
- d) Financial
- e) Tourism
- f) Energy
- g) Construction and Related Engineering

17 It is understood that commitments in the priority sectors will assist to attain a credible level and amount of liberalisation, support the strengthening of infrastructure, promote competitiveness, build the capacity of micro and small and medium enterprises, and contribute to the COMESA-EAC-SADC Tripartite process of merging the three regional economic communities.

18 Commitments in the priority sectors shall to the extent possible not have limitations or restrictions. The Committee on Trade in Services may adopt some minimal time-bound limitations or restrictions that Member States may attach to priority sectors

19 A Member State that does not make commitments in the priority sectors shall not receive the preferential treatment available under the Regulations

Scheduling of commitments

20 A horizontal commitment applies to trade in services in all scheduled services sectors unless otherwise specified. It is in effect a binding, either of a measure which constitutes a limitation on market access or national treatment or of a situation in which there are no such limitations.

21 To indicate in a given sector that no restrictions whatever are imposed, a Member State must make clear in the horizontal section or in the relevant sectoral section that the horizontal restrictions do not apply in the sector in question.

22 When a Member State decides to undertake a commitment in a specific sector it should indicate for each mode of supply that it binds in that sector: i) what limitations, if any, it maintains on market access; ii) what limitations, if any, it maintains on national treatment; and iii) what additional commitments, relating to measures affecting trade in services not subject to scheduling under Articles 26.2 and 27 of the Regulations, it may decide to undertake.

23 Commitments shall be scheduled in accordance with the following format:

	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Horizontal section	(1) (2) (3) (4)	(1) (2) (3) (4)	
	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-Sector	(1) (2) (3) (4)	(1) (2) (3) (4)	

Key: (1) Cross-border supply (3) Commercial presence
(2) Consumption abroad (4) Presence of natural persons

24 When a Member State opts to maintain measures which are inconsistent with both Articles 26.2 and 27 of the Regulations, such measures shall be inscribed in the column relating to market access. Thus, while there may be no limitation entered in the national treatment column, there may exist a discriminatory measure inconsistent with national treatment inscribed in the market access column. In this case Member States may wish to include the indication "also limits national treatment" in the market access column.

25 A Member State may, in a given sector, make Additional Commitments with respect to measures affecting trade in services not subject to scheduling under Articles 26.2 and 27 of the Regulations. Such commitments can include, but are not limited to, undertakings with respect to qualifications, technical standards, licensing requirements or procedures, and other domestic regulations.

26 Additional commitments should be expressed in the form of undertakings, not limitations. In the schedule, the Additional Commitments column should only include entries where specific commitments are being undertaken.

27 When describing committed sectors and sub-sectors and in order to avoid any ambiguity as to the scope of the commitment Member States will refer to the WTO Services Sectoral Classification List. Where it is necessary to refine further a sectoral classification, this can be done on the basis of the UN Central Product Classification¹ or other internationally recognised classification.

28 For all issues relating to the scheduling of commitments not directly covered by these Negotiating and Scheduling Guidelines Member States may refer to the Guidelines for the Scheduling of Specific Commitments under the General Agreement on Trade in Services adopted by the Council for Trade in Services on 23 March 2001 as contained in WTO Document S/L/92.

Conclusion of the negotiations and implementation of the outcome

29. The schedules shall be adopted by Council as annexes to the Regulations.

30. The schedules, once adopted by Council, shall enter into force in accordance with the Treaty and shall constitute rights and obligations. Member States shall take measures to implement commitments under the Regulations and notify the Secretariat. The Committee on Trade in Services shall periodically review the implementation of commitments under the Regulations.

Adopted in Victoria Falls Town, Zimbabwe, by the Committee on Trade in Services this Third Day of September in the year 2009

¹ UN CPC provisional available at <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=9&Lg=1>.

ROADMAP FOR SERVICES NEGOTIATIONS

	ACTIVITY	TIMEFRAME	OBJECTIVES
1.	Secretariat to submit national GATS templates that were prepared in 2005-2006 to Member States	15 September 2009	
2.	Member States to update the national GATS templates and send them back to Secretariat	15 December 2009	
3.	Member States to conclude consultations on priority sectors	15 December 2009	
4.	Hold a Committee on Trade in Services (CTS) meeting to consider priority sectors	Last week of January 2010	Consideration of all the priority sectors
5.	Member States to submit requests and offers to Secretariat	February 2010	
6.	Secretariat to transmit offers and requests to Member States	February 2010	
7.	CTS meeting to commence negotiations	May 2010	Commence negotiations
8.	Additional CTS meetings in the second half of 2010	July-Dec 2010	To consider issues as necessary



REGULATIONS ON TRADE IN SERVICES

PREAMBLE

RECOGNISING the growing importance of the trade in services for the growth and development of the region's economies;

RECALLING the provisions of the COMESA Treaty, with particular reference to Article 3 (b), which provides for the promotion of joint development in all fields of economic activities, as read with Article 4(4)(c), which provides for the removal of obstacles to the free movement of services within the Common Market;

FURTHER RECALLING the provisions of Article 164 of the COMESA Treaty which, among other things provides for the free movement of services, and Articles 151 and 152;

REITERATING, where applicable, their commitments to the rules and principles of the General Agreement on Trade in Services (hereinafter referred to as "GATS") and noting that Article V of GATS permits the liberalisation of trade in services between or among the Member States of an economic integration agreement;

DETERMINED to adopt regional Regulations on Trade in Services in order to enhance the establishment of a fully fledged Common Market and as a means of promoting the economic growth of all Member States taking account of the principles of transparency and progressive liberalization;

RECOGNISING the importance of removing barriers to trade in services through all modes of supply in order to promote competitiveness and diversity, and to increase accessibility across all service sectors through the strengthening of domestic services capacity;

TAKING particular account of the special needs of least developed countries in the liberalization of trade in services sector in accordance with the provisions of Article 148 of the COMESA Treaty;

RECOGNISING the right of member States to regulate and to introduce new regulations, on the supply of services within their territories in order to meet national policy objectives and, given asymmetries existing with respect to the degree of services regulations in different countries;

TAKING into account the fact that different Member States are at different levels of development and ~~acknowledging development and~~ acknowledging therefore the need to give effect to the principles of variable geometry; and

IN VIEW of further steps which have been taken in order to advance the economic integration of Eastern and Southern Africa;

DO HEREBY ADOPT THESE REGULATIONS AS FOLLOWS:

PRELIMINARY PROVISIONS

Article 1

Citation

These Regulations shall be cited as the Regulations on Trade in Services.

Article 2

Definitions and Interpretation

1. In these Regulations unless the context otherwise requires:
 - (a) "**Authorisation Scheme**" means any procedure under which a provider or recipient is in effect required to take steps in order to obtain from a competent authority a formal decision, or an implied decision, concerning access to a service activity or the exercise thereof;
 - (b) "**Basic Services**" means services in which universal access is essential for human life or which serve central infrastructural functions.
 - (c) "**Branch**" of a juridical person means a place of business not having legal personality which has the appearance of permanency, such as the extension of a parent body, has a management and is materially equipped to negotiate business with third parties so that the latter, although knowing that there will, if necessary, be a legal link with the parent body, the head office of which is abroad, do not have to deal directly with such parent body but may transact business at the place of business constituting the extension;
 - (d) "**Business community**" means all commercial and industrial organisations or unions of national chambers of commerce and industry representing agriculture, tourism, commerce, finance, manufacturing, mining and transport, services organisations and professional services associations and/or organisations however styled and established under the laws of a Member State;
 - (e) "**Certification**" refers to the issuance of a certificate or license to those who have met specified requirements for registration;
 - (f) "**Commercial communication**" means any form of communication designed to promote, directly or indirectly, the goods, services or image of an undertaking, organisation or person engaged in commercial, industrial or craft activity or practising a regulated profession. The following do not in themselves constitute commercial communications:
 - (i) information enabling direct access to the activity of the undertaking, organisation or person, including in particular a domain name or an electronic-mailing address;
 - (ii) communications relating to the goods, services or image of the undertaking, organisation or person, compiled in an independent manner,

particularly when provided for no financial consideration;

- (g) “**Committee**” means the Committee on Trade in Services;
- (h) “**Company or firm**” means a company or a firm constituted or registered under the laws of a Member State regulating companies and firms;
- (i) “**Competent authority**” means any body or authority which has a supervisory or regulatory role in a Member State in relation to service activities, including, in particular, administrative authorities, including courts acting as such, professional bodies, and those professional associations or other professional organisations which, in the exercise of their legal autonomy, regulate in a collective manner access to service activities or the exercise thereof;
- (j) “**Co-operation**” includes the undertaking by the Member States in common, jointly or in concert of activities undertaken in furtherance of the objectives of the Common Market as provided for under the Treaty or under any contract or agreement made there under or in relation to the objectives of the Common Market;
- (k) “**Criteria**” or “**Standards**” refers to a specification of qualities required to be met;
- (l) “**Designated airline**” means an airline which has been designated and authorized to operate the agreed services by a competent authority of a Member State;
- (m) “**Establishment**” means any type of business or professional establishment through:
 - (i) the constitution, acquisition or maintenance of a juridical person, or
 - (ii) the creation or maintenance of a branch, a subsidiary, a joint-venture or representative office;
 - (iii) within the territory of a Member State for the purpose of performing an economic activity;
- (n) “**Evidence of formal qualifications**” means Diplomas, certificates and other evidence issued by an authority in a Member State designated pursuant to legislative, regulatory or administrative provisions of that Member State and certifying successful completion of professional training obtained mainly in the Common Market;
- (o) “**Host Country**” refers to the country where the service supplier applies to provide the service;
- (p) “**International standards**” means standards that are adopted by international standardizing or standards organisations and made available to the public;

- (q) "**Internal market**" means the internal market of COMESA;
- (r) "**Investor**" of a Member State means any natural or juridical person that seeks to perform or performs an economic activity through setting up an establishment;
- (s) "**Juridical person**" means a legal person set up in accordance with the laws of a Member State of the COMESA respectively, and having its registered office, central administration, or principal place of business in the territory of the Member State, respectively. Should the juridical person have only its registered office or central administration in the territory of the member State of COMESA , it shall not be considered as a juridical person respectively, unless its operations possess a real and continuous link with the economy of the member State;
- (t) "**Least developed country**" means any Member State so designated by the Authority;
- (u) "**Member State of establishment**" means the Member State in whose territory the provider of the service concerned is established;
- (v) "**Member State where the service is provided**" means the Member State where the service is supplied by a provider established in another Member State;
- (w) "**Model Laws**" means the model laws adopted by the Council;
- (x) "**Monetary authority**" means a Central Bank or any other institution authorized by a Member State to issue currency and formulate and monitor the execution of monetary policy within its territory;
- (y) "**National standards bodies**" means all national institutions whose main concern is with standardisation or quality assurance at the national level in the Member States;
- (z) "**National standards**" means standards that are adopted by national standards bodies and made available to the public;
- (aa) "**Natural person**" means a national of one of the member States of the Common Market according to their respective legislation;
- (bb) "**Person**" means a natural or legal person;-
- (cc) "**Regulations**" means the COMESA Regulations on Trade in Services;
- (dd) "**Recognition**" refers to acceptance by an authority of demonstration of compliance with requirements;
- (ee) "**Region**" means the geographical area covered by the Common Market;
- (ff) "**Registration**" refers to the process of placing on a Register those who meet specified requirements within a jurisdiction;

(gg) **“Regulated education and training”** Any training which is specifically geared to the pursuit of a given profession and which comprises a course or courses complemented, where appropriate, by professional training, or probationary or professional practice. The structure and level of the professional training, professional traineeship or practical work experience shall be laid down in the legislative, regulatory or administrative provisions of the Member State in question or be subject to supervision or approval by the authority designated for that purpose;

(hh) **“Requirement”** means any obligation, prohibition, condition or limit provided for in the laws, regulations or administrative provisions of the Member States⁴; administrative practice, the rules of professional bodies, or the collective rules of professional associations or other professional organisations, adopted in the exercise of their legal autonomy; rules laid down in collective agreements negotiated by the social partners shall not as such be seen as requirements within the meaning of these Regulations;

(ii) **“Services”** means services provided by a natural person, juridical entity;

(jj) **“Service supplier of a Member State”** means any natural or juridical person of a Member State that seeks to supply or supplies a service;

(kk) **“Subsidiary”** of a juridical person of a member State means a juridical person which is effectively controlled by another juridical person of another member State;

(ll) **“Telecommunications”** means any form of transmission, emission or reception signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electro magnetic systems;

(mm) **“Telecommunications administrations”** means the relevant authority designated by the government and any other recognized operating agencies accepted by the Member States for the purpose of administering telecommunication, including a telecommunication service supplier where the relevant authority or recognized operating agencies are not provided for.

(nn) **“Third country”** means any country other than a Member State;

AIMS, OBJECTIVES AND FUNDAMENTAL PRINCIPLES

Article 3

Aims and Objectives of the Regulations

1. The aims and objectives of these Regulations shall be:

(a) to attain sustainable growth and development of the Member States by eliminating the barriers to trade in services especially those faced by small and medium scale enterprises (SMEs) exporters so as to deepen integration for attainment of a common market with a view to enhancing universal access to

services.

(b) to enhance cooperation in services amongst Member States in order to improve the efficiency and competitiveness of their services markets, including by diversifying production capacity and supply, and enhancing the distribution of services of their service suppliers within and outside the Common Market, with a view to promoting economic growth, wealth creation and poverty reduction;

(c) to liberalize trade in services by expanding the depth and scope of liberalization in line with Article V of the GATS; and

(d) to increase, improve and develop the export of services.

Article 4

Fundamental Principles

1. The Member States, in pursuit of the aims and objectives stated in Article 3 of these Regulations, and under the COMESA Treaty agree to adhere to the following principles:

(a) the GATS principles as guiding principles for negotiating services at the regional level;

(b) in terms of sequencing, Member States shall give priority consideration to fulfil their obligations under these Regulations without however causing prejudice to Member States' rights to enter into preferential agreements among themselves or with third countries;

(c) the region's liberalisation in trade in services will be undertaken in conformity with the provisions of GATS Articles V and XIX on progressive liberalisation basis using a positive list approach adapted to the development of the member States both in overall terms and in terms of their services sectors and sub-sectors and to their specific constraints;

(d) the right to regulate as essential to meet national policy objectives;

(e) provision for Special and Differential Treatment; and

(f) provision for variable geometry.

SCOPE

Article 5

Scope of Application

1. In conformity with GATS Agreement, the scope of these Regulations shall cover measures by Member States affecting trade in services supplied through the following modes:

(a) from the territory of one Member State into the territory of any other Member

State, mode 1;

(b) in the territory of one Member State to the service consumer of any other Member State, mode 2;

(c) by a service supplier of one Member State, through commercial presence in the territory of any other Member State, mode 3; and

(d) by a service supplier of one Member State, through presence of natural persons of a Member State in the territory of any other Member State, mode 4.

2. For the purposes of these Regulations:

(a) "Measures by Member States" means measures taken by:

(i) central, regional or local governments and authorities; and

(ii) Non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;

In fulfilling its obligations and commitments under these Regulations, each Member State shall take such reasonable measures as may be available to it to ensure their observance by regional and local governments and authorities and non- governmental bodies within its territory;

(b) "Services" includes any service in any sector except services supplied in the exercise of governmental authority;

(c) For the purpose of these Regulations, a " service supplied in the exercise of governmental authority" means any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers including the following:

(i) activities conducted by a central bank or monetary authority or any other public entity, in pursuit of monetary or exchange rate policies;

(ii) activities forming part of a statutory system of social security or public retirement plans; activities forming part of a system of national security or for the establishment or maintenance of public order;

(iii) Other activities conducted by a public entity for the account of or with the guarantee or using financial resources of the government: and

(iv) basic services.

GENERAL OBLIGATIONS AND DISCIPLINES

Article 6

Most Favoured Nation Treatment

1. With respect to any measure covered by the Regulations, each Member State shall accord immediately and unconditionally to services and service suppliers of any other Member State treatment no less favourable than it accords to like services and service suppliers of any other country.
2. Notwithstanding paragraph 1, two or more Member States may conduct negotiations and agree to liberalise trade in services for specific sectors or sub- sectors in accordance with the objectives of these Regulations. An extension of such preferential treatment to the remaining Member States shall be on a reciprocal basis.
3. Nothing in these Regulations shall prevent a Member State from entering into new preferential agreements with third countries in accordance with Article V of the GATS provided such agreements do not impede or frustrate the objectives of these Regulations. Extension of any preference granted under these new agreements may be extended to a Member State on a reciprocal basis.
4. Nothing in these Regulations shall prevent a Member State from maintaining any preferential agreement entered with a third country prior to the coming into force of these Regulations and any preference granted under these existing agreements may be extended to a Member State on a reciprocal basis.
5. A Member State may maintain a measure which is inconsistent with paragraph 1, provided it is listed in the MFN exemptions list. The agreed list of MFN exemption shall be annexed to these Regulations.
6. Where a Member State intends to enter into an agreement of the type referred to in paragraph 3 and it shall, prior to negotiating such agreement duly inform other Member States of the intention to do so. Where the Member State concludes such an agreement, it shall afford adequate opportunity to the other Member States to negotiate the benefits granted therein.

Article 7

Most Favoured Nation Exemptions

1. A Member State may maintain a measure inconsistent with Article 6 provided that such a measure and the conditions that necessitated that measure are listed in Annex III on MFN Exemptions. The agreed list of exemptions shall be annexed to these Regulations.
2. Any new exemptions applied for after the date of adoption of these Regulations shall be dealt on a case by case basis by the Committee.
3. Exemptions shall not exceed a period of 5 years.
4. The Committee shall periodically review all exemptions. The first review shall take place no more than 2 years after the adoption of these Regulations.
5. The Committee in a review shall:

- (a) Examine whether the conditions which created the need for the exemption still prevail and make such recommendations as it may deem appropriate; and
- (b) Determine the date of any further review.

6. The exemption of a Member State from its obligations under paragraph 1 of Article 6 of these Regulations with respect to a particular measure terminates on the date provided for in the exemption.

7. A Member State shall notify the Committee at the termination of the exemption period that the inconsistent measure has been brought into conformity with paragraph 1 of Article 6 of these Regulations.

Article 8

Transparency

1. Each Member State shall ensure that its laws, regulations, procedures and administrative rulings of general application relating to any trade matter covered by these Regulations are promptly published or made publicly available. Relevant international agreements which a Member State enters into should also be published.

2. The information referred to under this Article shall be considered to have been provided when the information has been made available by appropriate notification to the Secretary General.

3. On request of the other Member State, and under its domestic laws, each Member State shall provide information and reply to any question from the other Member State relating to an actual or proposed measure that might substantially affect the operation of these Regulations.

4. The Member States agree to cooperate in bilateral and multilateral fora on ways to increase transparency in trade in services matters.

Article 9

Disclosure of Confidential Information and Data

Nothing in these Regulations shall require any Member to disclose confidential information and data the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

Article 10

Variable Geometry

1. Nothing in these Regulations shall be construed as preventing two or more Member States from undertaking faster liberalisation of their commitments under these Regulations.

2. Any benefit under the enhanced liberalisation may be extended to any other party to the Regulations on a reciprocal basis.

Article 11

Least Developed Countries

Member States agree that special consideration should be given to least developed countries of the Common Market in the service sector. In this regard member States undertake to:

- i. Give a special consideration to the liberalization of service sectors and modes of supply of export interest to LDCs;
- ii. Allow LDC member States longer phase down periods for liberalisation and to make fewer commitments;
- iii. To give special consideration to the needs of LDCs in regional support programmes.

Article 12

Level of Commitments in implementation

1. The liberalization process shall be concluded by the Committee and according to negotiating modalities to be established by Member States taking into account the different levels of development among the Member States and Special and Differential Treatment may be granted based on the level of commitments that will be submitted at a later stage of negotiations.

2. The Liberalisation process under paragraph 1, shall be conducted with the aim of promoting the economic growth and development of the Member States, in conformity with the principle of asymmetry. Special flexibility to such Member States may *inter alia* take the form of (a) a transition period for liberalization; and (b) opening fewer sectors or types of transactions.

Article 13

Co-operation and Development

1. Member States shall aim to promote an attractive and stable environment for the supply of services. Such promotion should *inter alia*, take the form of:

- a) mechanisms for information on, identification and dissemination of business opportunities;
- b) development of legal framework favourable to trade and investment in services;
- c) development of model laws, regulations and uniform and simplified administrative procedures;

- d) development of mechanisms of joint investments, in particular with small and medium-sized enterprises of the Member States; and
 - e) agreement on the need to cooperate in the development of services in economic areas that can accelerate economic development.
2. No later than five years following the adoption of these Regulations, the Committee shall establish the necessary steps for the establishment of such mechanisms and regulatory frameworks.
 3. Member States recognize the importance of cooperative mechanisms, technical assistance and capacity building, which should be ongoing before and after the adoption of the Regulations.
 4. Member States shall enhance such cooperation, *inter alia*, in accordance with mechanisms and initiatives carried out under other COMESA Regulations and Agreements, such as the COMESA Common Investment Area.

Article 14

Domestic Regulation

1. Taking into consideration the provisions of Article VI of GATS, in sectors where specific commitments are undertaken, each Member State shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner for which purpose:
 - (a) Each Member State shall maintain or institute as soon as practicable judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected service supplier for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting trade in services. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Member State shall ensure that the procedures in fact provide for an objective and impartial review; and
 - (b) The provisions of sub-paragraph (a) would not be construed to require a Member State to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.
2. Where authorization is required for the supply of a service on which a specific commitment has been made, the competent authorities of a Member State shall, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. At the request of the applicant, the competent authorities of the Member State shall provide, without undue delay, information concerning the status of the application.
3. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, the Member States shall, through the

Committee on Trade in Services, develop specific, precise and predictable disciplines, while at the same time preserving the right to regulate.

4. Such disciplines shall aim to ensure that such requirements are, *inter alia*:

(a) Based on objective and transparent criteria, such as competence and the ability to supply the service;

(b) Not more burdensome than necessary to ensure the quality of the service; and

(c) In the case of licensing procedures, not in themselves a restriction on the supply of the service.

5. These disciplines shall recognise the need of:

(a) ensuring adequate regulatory flexibility for member States in particular least developed countries for pursuing development objectives;

(b) ensuring that possible future disciplines promote member States' export capacities and opportunities; and

(c) providing technical assistance and capacity building to facilitate the implementation of the disciplines.

6. In sectors in which a Member State has undertaken specific commitments, pending the entry into force of disciplines developed in these sectors pursuant to paragraph 4, the Member State shall not apply licensing and qualification requirements and technical standards that nullify or impair such removal of restrictions in a manner which:

(a) does not comply with the criteria outlined in subparagraphs 4(a), (b) or (c); and

(b) could not reasonably have been expected of that Member State at the time where specific commitments in those sectors were made.

7. In determining whether a Member State is in conformity with the obligation under paragraph 6(a), account shall be taken of international standards of relevant international organisations¹ applied by that Member.

8. In Sectors where specific commitments regarding professional services are undertaken, Member States shall provide for adequate procedures to verify the competence of professionals whose supply shall be regulated by provisions of Article 15 on Mutual Recognition supported by the relevant Annexes to be determined.

Article 15 Mutual Recognition

¹ The term "relevant international organisations" refers to international bodies whose membership is open to the relevant bodies of at least all Members of the Agreement

1. Each Member State shall recognize the educational qualifications, experience obtained and competence gained, in another Member State for the purpose of licensing or certification of service suppliers upon their adoption pursuant to the provisions of this Article. In this regard:

a) Member States shall encourage the relevant professional bodies and Qualification Authorities or regulators in their respective territories to jointly develop and provide recommendations on mutual recognition for the purpose of the fulfilment in whole or in part by service suppliers of the criteria applied by each body for the authorization, licensing, operation, and certification of service suppliers and in particular professional services.

b) The Committee on Trade in Services (CTS) will establish a mechanism to work on the basis of the above recommendations with a view to preparing them for adoption by the Council.

c) Upon the Council decision, Member States shall accordingly mutually recognise each other's qualifications;

2. Professional bodies and Qualification Authorities or regulators shall establish criteria and make recommendations for mutual recognition within a period of 3 years of the adoption by Council of these Regulations.

3. With a view to harmonization, recognition should be as far as possible based on internationally agreed criteria. Work shall be undertaken in cooperation with relevant intergovernmental and non-governmental organisations.

4 Where a Member State accords recognition autonomously, it shall afford adequate opportunity for any other Member State to demonstrate that education, experience, licenses, certifications obtained, requirements met, or granted in that other Member state should be recognised.

5 Member States agree to cooperate with a view to ensuring adequate capacity building and technical assistance for the attainment of the provisions of this Article.

Article 16

Monopolies and Exclusive Service Suppliers

1. Each Member State shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Member State's obligations and specific commitments.

2. Where a Member State's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service outside the scope of its monopoly rights and which is subject to that Member State's specific commitments, the Member State shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such commitments.

3. The Committee on Trade in Services may, at the request of a Member State which

has a reason to believe that a monopoly supplier of a service of any other Member State is acting in a manner inconsistent with paragraph 1 or 2, request the Member State establishing, maintaining or authorizing such supplier to provide specific information concerning the relevant operations.

4. If, after the date of adoption of these Regulations, a Member State grants monopoly rights regarding the supply of a service covered by its specific commitments, that Member State shall notify the Committee on Trade in Services no later than three months before the intended implementation of the grant of monopoly rights and the provisions of paragraphs 2, 3 and 4 of Article 25 shall apply.

5. The provisions of this Article shall also apply to cases of exclusive service suppliers where a Member State, formally or in effect:

- (a) Authorises or establishes a small number of service suppliers; and
- (b) Substantially prevents competition among those suppliers in its territory.

Article 17

Anti-Competitive Business Practices

1. Member States recognize that certain business practices of service suppliers, other than those falling under Article 16, may restrain competition and thereby restrict trade in services.

2. In line with the provisions of the COMESA Competition Regulations each Member State shall, at the request of any other Member State, enter into consultations with a view to eliminating practices referred to in paragraph 1. The Member State addressed shall respond to such a request and shall cooperate through the supply of publicly available non-confidential information of relevance to the matter in question. The Member State addressed shall also provide other information available to the requesting Member State, subject to its domestic law and to the conclusion of satisfactory agreement concerning the safeguarding of its confidentiality by the requesting Member State.

Article 18

Payments and Transfers

1. Except under the circumstances envisaged in Article 19, a Member State shall not apply restrictions on international transfers and payments for current transactions relating to its specific commitments.

2. Nothing in these Regulations shall affect the rights and obligations of the members of the International Monetary Fund under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Member State shall not impose restrictions on any capital transactions inconsistently with its specific commitments regarding such transactions, except under Article 19 or at the request of the Fund.

Article 19

Restrictions to Safeguard the Balance of Payments

1. In the event of serious balance-of-payments and external financial difficulties or threat thereof, a Member State may adopt or maintain restrictions on trade in services on which it has undertaken specific commitments, including on payments or transfers for transactions related to such commitments. It is recognized that particular pressures on the balance of payments of a Member State in the process of economic development or economic transition may necessitate the use of restrictions to ensure, inter alia, the maintenance of a level of financial reserves adequate for the implementation of its programme of economic development or economic transition.

2. The restrictions referred to in paragraph 1:

- (a) Shall not discriminate among Member States;
- (b) Shall be consistent with the Articles of Agreement of the International Monetary Fund;
- (c) Shall avoid unnecessary damage to the commercial, economic and financial interests of any other Member State;
- (d) Shall not exceed those necessary to deal with the circumstances described in paragraph 1;
- (e) Shall be temporary and be phased out progressively as the situation specified in paragraph 1 improves.

3. In determining the incidence of such restrictions, Members may give priority to the supply of services which are more essential to their economic or development programmes. However, such restrictions shall not be adopted or maintained for the purpose of protecting a particular service sector.

4. Any restrictions adopted or maintained under paragraph 1, or any changes therein, shall be promptly notified to the Secretariat.

5. Member States applying the provisions of this Article shall consult promptly with the Committee [Monetary Affairs](#) on restrictions adopted under this Article.

6. The Committee [on Monetary Affairs](#) shall establish procedures for periodic consultations with the objective of enabling such recommendations to be made to the Member State concerned as it may deem appropriate.

7. Such consultations shall assess the balance-of-payment situation of the Member State concerned and the restrictions adopted or maintained under this Article, taking into account, inter alia, such factors as:

- (a) The nature and extent of the balance-of-payments and the external financial difficulties;

(b) The external economic and trading environment of the consulting Member State;
and

(c) Alternative corrective measures which may be available.

8. The consultations shall address the compliance of any restrictions with paragraph 2 of this Article, in particular the progressive phase-out of restrictions in accordance with paragraph 2(e) of this Article.

9. In such consultations, all findings of statistical and other facts presented by the International Monetary Fund relating to foreign exchange, monetary reserves and balance of payments shall be accepted and conclusions shall be based on the assessment by the Fund of the balance-of-payments and the external financial situation of the consulting Member State.

10. If a Member State which is not a member of the International Monetary Fund wishes to apply the provisions of this Article, the Committee on Monetary Affairs shall establish a review procedure and any other procedures necessary.

Article 20

Government Procurement

1. Procurement by Government agencies of services purchased for Government purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale are not covered by these Regulations.

2. This shall not preclude the Member States from considering and adopting a separate arrangement on the liberalization of Government procurement.

Article 21

General Exceptions

1. 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 restriction on trade in services, nothing in these Regulations shall be construed to prevent the adoption or enforcement by any Member of measures:

(a) Necessary to protect public morals or to maintain public order;

(b) Necessary to protect human, animal or plant life or health;

(c) Necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of these Regulations including those relating to:

(i) The prevention of deceptive and fraudulent practices or to deal with the effects of a default on services contracts;

(ii) The protection of the privacy of individuals in relation to the processing

and dissemination of personal data and the protection of confidentiality of individual records and accounts;

(iii) Safety; or

(d) Inconsistent with Article 27, on National Treatment, provided that the difference in treatment is aimed at ensuring the equitable or effective² imposition or collection of direct taxes in respect of services or service suppliers of other Member States.

(e) Inconsistent with Article 6, provided that the difference in treatment is the result of an agreement on avoidance of double taxation or provisions on the avoidance of double taxation in any other international agreement or arrangement in which the Member is bound.

Article 22

Security Exceptions

1. Nothing in these Regulations shall be construed:

(a) To require any Member State to furnish any information, the disclosure of which it considers contrary to its essential security interests; or

(b) To prevent any Member State from taking any action which it considers necessary for the protection of its essential security interests:

(i) Relating to the supply of services as carried out directly or indirectly for the purpose of provisioning a military establishment;

(ii) Relating to fissionable and fusionable materials or the materials from which they are derived;

² Measures that are aimed at ensuring the equitable or effective imposition or collection of direct taxes include measures taken by a Member under its taxation system which:

(i) apply to non-resident service suppliers ~~[provider]~~ in recognition of the fact that the tax obligation of non-residents is determined with respect to taxable items sourced or located in the Member State's territory; or

(ii) apply to non-residents in order to ensure the imposition or collection of taxes in the Member State's territory; or

(iii) apply to non-residents or residents in order to prevent the avoidance or evasion of taxes, including compliance measures; or

(iv) apply to consumers of services supplied in or from the territory of another Member State in order to ensure the imposition or collection of taxes on such consumers derived from sources in the Member State's territory; or

(v) distinguish service suppliers ~~[provider]~~ subject to tax on worldwide taxable items from other service suppliers ~~[provider]~~, in recognition of the difference in the nature of the tax base between them; or

(vi) determine, allocate or apportion income, profit, gain, loss, deduction or credit of resident persons or branches, or between related persons or branches of the same person, in order to safeguard the Member State's tax base.

(iii) Taken in time of war or other emergency in international relations; or

(c) To prevent any Member State from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

2. The Committee shall be informed to the fullest extent possible of measures taken under paragraphs 1(b) and (c) and of their termination.

PROGRESSIVE LIBERALISATION

Article 23

Negotiation of Specific Commitments

1. In pursuance of the objectives of these Regulations, Member States shall enter into successive **rounds of negotiations** every five years, with a view to achieving a progressively higher level of liberalization. Such negotiations shall be directed to the reduction or elimination of the adverse effects on trade in services of measures as a means of providing effective market access. This process shall take place with a view to promoting the interests of all participants on a mutually advantageous basis and to securing an overall balance of rights and obligations.

2. The process of liberalization shall take place with due respect for national policy objectives and the level of development of individual Member **States**, both overall and in individual sectors.

3. For each round, negotiating guidelines and procedures shall be established by the Committee.

4. The process of progressive liberalization shall be advanced in each such round through bilateral, plurilateral or multilateral negotiations directed towards increasing the general level of specific commitments undertaken by Member States under these Regulations.

Article 24

Schedules of Specific Commitments

1. Each Member State shall set out in a schedule the specific commitments it undertakes under Article 26 of these Regulations. With respect to sectors where such commitments are undertaken, each Schedule shall specify:

- (a) Terms, limitations and conditions on market access;
- (b) Conditions and qualifications on national treatment;
- (c) Undertakings relating to additional commitments;
- (d) Where appropriate the time-frame for implementation of such commitments; and

- (e) The date of entry into force of such commitments.
- 2. Measures inconsistent with both Articles 26 and 27 shall be inscribed in the column relating to Article 26. In this case the inscription will be considered to provide a condition or qualification to Article 27 as well.
- 3. Schedules of specific commitments shall be annexed to these Regulations and shall form an integral part thereof.

Article 25

Modification of Schedules of Commitments

1. A Member State may modify or withdraw any commitment to remove restrictions in its schedule of specific commitments, at any time after three years from the date on which that commitment entered into force in accordance with this Article:
 - (a) A modifying Member State shall notify to the Committee its intent to modify or withdraw a commitment no later than three months before the intended date of implementation of the modification or withdrawal; and
 - (b) That it enters into negotiations with an affected Member State to agree to necessary compensatory adjustment.
2. (a) At the request of any Member State the benefits of which under this Agreement may be affected (referred to in this Article as an "affected Member State") by a proposed modification or withdrawal notified under sub-paragraph 1(a), the modifying Member State shall enter into negotiations with a view to reaching agreement on any necessary compensatory adjustment. In such negotiations and agreement, the Member States concerned shall endeavour to maintain a general level of mutually advantageous commitments not less favourable to trade than that provided for in Schedules of specific commitments prior to such negotiations.
 - (b) Compensatory adjustments shall be made on a most-favoured- nation basis.
3. (a) If agreement is not reached between the modifying Member State and any affected Member State before the end of the period provided for negotiations, such affected Member State may refer the matter to arbitration in the COMESA Court of Justice. Any affected Member State that wishes to enforce a right that it may have to compensation must participate in the arbitration.
 - (b) If no affected Member State has requested arbitration, the modifying Member State shall be free to implement the proposed modification or withdrawal.
4. (a) The modifying Member State may not modify or withdraw its commitment until it has made compensatory adjustments in conformity with the findings of the

arbitration.

(b) If the modifying Member State implements its proposed modification or withdrawal and does not comply with the findings of the arbitration, any affected Member State that participated in the arbitration may modify or withdraw substantially equivalent benefits in conformity with those findings. Notwithstanding the Article on MFN in these Regulations, such a modification or withdrawal may be implemented solely with respect to the modifying Member State.

5. The Committee shall establish procedures for rectification or modification of Schedules. Any Member State which has modified or withdrawn scheduled commitments under this Article shall modify its Schedule according to such procedures.

Article 26

Market Access

1. With respect to market access through the modes of supply identified in Article 5, each Member State shall accord to service suppliers of other Member States treatment no less favourable than that provided for in the specific commitments contained in the schedule of commitments in [Annex II](#).

2. In sectors where market access commitments are undertaken, the measures which a Member State shall not maintain or adopt, unless otherwise specified in [Annex II](#) on Schedule of Commitments are defined as:

(a) Limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive rights or other service suppliers' requirements such as economic needs tests;

(b) Limitations on the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;

(c) Limitations on the total number of service operations or on the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;

(d) 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;

(e) Measures which restrict or require specific types of establishment (subsidiary, branch, representative office) or joint ventures through which an investor of the other Member State may supply a service; and

(f) Limitations on the total number of natural persons that may be employed in a particular services sector or that a service supplier may employ and who are necessary for and directly related to the supply of a specific service in the form of a numerical quota or an economic needs test (ENT).

Article 27

National Treatment

1. In the sectors inscribed in Annex II on the specific commitments in its schedule, and subject to any conditions and qualifications set out therein, with respect to all measures affecting the supply of services, each Member State shall accord to services and services suppliers of any other Member State treatment no less favourable than that it accords to its own like services and service suppliers.

2. A Member State may meet the requirement of paragraph 1 by according to services and services suppliers of the other Member States, either formally identical treatment or formally different treatment to that it accords to its own like services and service suppliers.

3. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of services and service suppliers of the Member State compared to like services and services suppliers of the other Member States.

Article 28

These Regulations considers the issue of temporary movement of natural persons in Annex I.

DISPUTE SETTLEMENT

Article 29

Dispute Settlement Arrangements

1. A Member State may request consultations with another Member State regarding any matter arising under these Regulations. The other Member State shall give sympathetic consideration to the request. The Secretary General may on the request of the Member States concerned facilitate the consultations to be completed within a period of 60 days after receiving the request.

2. If any Member State is not satisfied with the results of the consultations, the Member State aggrieved may refer the matter to the Committee on Trade in Services. If the Committee does not resolve the matter satisfactorily within 60 days of receiving the matter, the aggrieved Member State may take the matter to the COMESA Court of Justice.

3. If any Member State is not satisfied with the decision of the Committee, the Member State aggrieved may, within 90 days, refer such matter to the COMESA Court of Justice for determination.

INSTITUTIONAL FRAMEWORK

Article 30

Committee on Trade in Services

1. In line with the provisions of the Article 15 of the COMESA Treaty the Committee on Trade in Services is hereby established, which shall monitor and review the implementation of these Regulations.
2. The Committee shall also consider proposals and recommendations from the Member States for the improvement of these Regulations and make appropriate recommendations to Council and carry out any other functions as assigned to it by or under these Regulations or the Treaty.

ADMINISTRATIVE SIMPLIFICATION

Article 31

Simplification of Procedures

1. Member States shall examine the procedures and formalities applicable to access to a service activity and to the exercise thereof. Where procedures and formalities examined under this paragraph are not sufficiently simple to ensure commitments made under Article 8, Member States shall simplify them.
2. Where Member States require a service supplier to supply a certificate, attestation or any other document proving that a requirement has been satisfied, they shall accept any document from another Member State which serves an equivalent purpose or from which it is clear that the requirement in question has been satisfied. They may require a document from another Member State to be produced in its original form, or as a certified copy or as a certified translation.

Article 32

Enquiry Points

An Enquiry Point shall provide preliminary information, to the extent possible, to any service supplier on the following together with detailed contacts of the competent authority for the respective services sectors:

- (a) All laws regulations and declarations that regulate or relate to service activities which state relevant information regarding procedures, formalities, authorisations, registrations, and any other requirements needed to provide services in the market;
- (b) The contact details of the competent authorities enabling the competent authorities to be contacted directly, including the details of those authorities responsible for matters concerning the exercise of service activities;
- (c) The means of, and conditions for, accessing public registers and databases on

service suppliers and services;

- (d) The means of redress which are generally available in the event of dispute between the competent authorities and the provider or the recipient, or between a provider and a recipient or between providers; and
- (e) The contact details of the associations or organisations, other than the competent authorities, from which service suppliers or recipients may obtain practical assistance.

Article 33

Procedures by electronic means

1. Member States shall endeavour to ensure that all procedures and formalities relating to access to a service activity and to the exercise thereof may be easily completed, at a distance and by electronic means, through the relevant enquiry point and with the relevant competent authorities. Where the electronic means are not available such procedures and formalities may be provided by other appropriate means.
2. Paragraph 1 shall not apply to the inspection of premises on which the service is supplied or of equipment used by the supplier or to physical examination of the capability or of the personal integrity of the supplier or of his responsible staff.

FINAL PROVISIONS

Article 34

Entry into Force

These Regulations shall enter into force when adopted by the Council.

Article 35

Review

1. The Committee shall review these Regulations three years after the entry into force of these Regulations, with a view to further deepening liberalisation and reducing or eliminating remaining restrictions on a mutually advantageous basis and ensuring an overall balance of rights and obligations.
2. The Committee shall examine the operation of these Regulations every three years after the review undertaken under paragraph 1 and shall submit appropriate proposals to Council.

Article 36

Future Development

1. The Member States may mutually agree to extend these Regulations with the aim of

broadening and supplementing the scope of the Regulations in accordance with the Member States' respective legislation, by concluding agreements on specific sectors or activities in the light of the experience gained during the implementation of the Regulations.

2. As regards the implementation of these Regulations, the Committee may make suggestions oriented towards expanding cooperation in all areas, taking into account the experience acquired during the implementation thereof.

Article 37

Other Agreements

1. These Regulations or any action taken under it shall not affect the rights and obligations of the Member States under any existing agreements to which they are Parties to.

2. Nothing in these Regulations shall affect the rights of the Member States to enter into other agreements not contrary to the principles, objectives and terms of these Regulations. Such Agreements shall be notified to the Secretary General. The Secretary General shall circulate such notification to all Member States within 15 days.

3. Existing agreements are not affected as these have been notified to the MFN exemption list of the GATS and other bilateral agreements on services that must be notified within twelve months of adoption by Council of these agreements.

Article 38

Amendments

1. The provisions of these Regulations may be amended through the consent of all parties to these Regulations and such amendments shall become effective upon adoption by the Council.

2. Any Member State may submit proposals for the amendment of these Regulations. Any proposals for the amendment of these Regulations shall be submitted to the Secretary General in writing, who shall, within 30 days of receipt, communicate it to Member States. The Member States which wish to comment on the proposal shall do so within 90 days from the date of the dispatch of the proposal by the Secretary General. After the expiry of this period the Secretary General shall submit the proposals and any comments thereon received from the Member States to Council through the Committee.

Article 39 Annexes and Appendices,

The Annexes and Appendices to these Regulations are an integral part hereof.

ANNEX I

TEMPORARY MOVEMENT OF NATURAL PERSONS

1. The Regulations apply to measures affecting natural persons who are service suppliers of a Member State, and natural persons of a Member State who are employed by a service supplier of a Member State, in respect of supply of a service.
2. The Regulations shall not apply to measures affecting natural persons seeking access to the employment market of a Member State, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.
3. Member States shall negotiate specific commitments applying to the movement of natural persons supplying services.
4. A Member State may apply measures to regulate the entry of natural persons into, or their temporary stay, in its territory, including those measures necessary to protect the integrity of, and ensure the orderly movement of natural persons across its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to any Member State under the terms of specific commitments³.

Definitions

1. For the purpose of this Annex

(a) **“Independent Professionals”** means natural persons who enter the territory of another Member State temporarily in order to perform a service pursuant to a contract (s) between them and any services consumer(s) located in the territory of the other Member State having the following the broad characteristics:

- (i) The natural person supplies the service as a self-employed person;
- (ii) The natural person has obtained a service contract in the territory of the Member where the service is to be provided;
- (iii) The natural person possesses appropriate educational and professional qualifications relevant to the service to be supplied; and
- (iv) The remuneration for the contract is to be paid solely to the natural person.

(b) **“Contractual Services Suppliers”** means foreign natural persons supplying the service in the territory of the Member State concerned on the basis of a contract that provides the primary justification for granting access. These are natural persons either self-employed or employees of a foreign based company/partnership/firm who enter the territory of another Member State temporarily pursuant to a contract(s) with their employers and a service consumer(s) in the territory of the other Member having the

³ The sole fact of requiring a visa for natural persons of certain Member States and not those of others shall not be regarded as nullifying or impairing benefits under a specific commitment.

following broad characteristics:

- (i) Restricted to self-employed persons or employees of foreign based enterprises with no commercial presence in the territory of another Member State;
- (ii) The self-employed person or employees of foreign based enterprise that has obtained a service contract for a service to be supplied in the territory of another Member State;
- (iii) The employees of such service suppliers or employees of foreign based enterprises receive their remuneration directly from the consumer(s) or from their employer while abroad;
- (iv) The employees of such service suppliers or employees of foreign based enterprise do not engage in other employment in the territory of the Member State where the service is to be supplied;
- (v) The employees of such service suppliers or employees of foreign based enterprise natural persons have appropriate educational and other qualifications and demonstrated experience relevant to the service to be supplied; and
- (vi) The employees of such service suppliers or employees of foreign based enterprise natural persons can provide this service contract on a seasonal basis.

(c) **“Business Visitors”** means individual service suppliers or representatives of a foreign based services supplier who enter the territory of another Member State temporarily for the marketing of services, to negotiate or conclude agreements for the sale of a service or for the purpose of setting up a commercial presence of that juridical person in the territory of another Member State. This could include either of three sub-categories of:

- (i) Service sellers;
- (ii) Persons responsible for setting up a commercial presence; or
- (iii) a combination of (i) and (ii) sub-categories into one;

Having the following broad characteristics:

- (i) Individual services suppliers or representatives of such service suppliers will not be engaged in making direct sales to the general public or in supplying services themselves;
- (ii) Refers only to individual services suppliers or representatives of a juridical person not already having commercial presence in the territory of the other Member State; and

- (iii) Such individual services suppliers or representatives will not receive any remuneration from a source located within the territory of the other Member State.

Specific definitions of Business Visitors are as follows:

(a) **“Service sellers”:**

- (i) Enter to market services or negotiate or conclude agreements on the sale of services; and
- (ii) Carry out similar activities, including attending business meetings and, holding and presenting at sales fairs, exhibitions and conferences.

(b) **“Persons responsible for setting up a commercial presence”**

- (i) natural persons responsible for setting up commercial presence of service supplier for which they are legal representatives, or as representatives of a juridical person;
- (ii) The service supplier has no commercial presence in that Member State; and
- (iii) Natural persons who either have been contracted by or are employees of the service supplier.

(c) **“Intra-corporate transferees”** means natural persons who have been employed by a juridical person or have been partners in it (other than as majority shareholders) for at least one year and who are temporarily transferred to an establishment in the territory of the other Member State. The natural person concerned must belong to one of the following categories:

Managers: Persons working in a senior position within a juridical person, who primarily directs the management of the establishment, receiving general supervision or direction principally from the board of directors of stockholders of the business or their equivalent, include:

- (i) Directing the establishment or a department or sub-division thereof;
- (ii) Supervising and controlling the work of other supervisory, professional or managerial employees; and
- (iii) Having the authority personally to recruit and dismiss or recommend recruiting, dismissing or other personnel actions.

Specialists: Persons working within a juridical person who possesses uncommon knowledge essential to the establishment’s production, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the establishment, but also of

whether the person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession.

2. In terms of market access:

(i) **Quantitative restrictions** should be:

- substantially reduced to half by 2012 for independent professionals;
- eliminated by 2015 for contractual service suppliers;
- substantially reduced for intra-corporate transferees;

(ii) **Economic Needs Tests (ENTs)** should be:

- Removed or substantially reduced for independent professionals and intra-corporate transferees;
- Eliminated by 2015 for contractual service suppliers;

Where they are not removed, ENTs should be applied on an MFN basis. The following further details concerning the ENTs should be mentioned:

- The services sectors and occupations to which the ENT shall be applied;
- The definition, criteria and conditions to be used in applying the ENT; and
- The timeframe for phase out of the application of the ENT.

(iii) The Natural persons can perform services related only to the service activity which is the subject of the contract.

NEGOCIATION REGIONALE DU COMESA

Commerce des services

DJIBOUTI

Liste d'engagements de secteurs prioritaires (Tourisme, Communication, Transport et Finance)

N.B. : Il s'agit d'une offre initiale sur le secteur prioritaire et Djibouti se réserve le droit de modifier jusqu'à la fin des négociations sur le commerce des services.

Modes de fourniture : 1) Fournitures transfrontières. 2) Consommation à l'étranger 3) Présence Commerciale 4) Présence de personne physiques.

Secteur ou sous-secteur	Limitations concernant l'accès aux marchés	Limitations concernant le traitement national	Réglementation intérieure/ engagements additionnels.
I. ENGAGEMENTS HORIZONTAUX			
<p>Tous les secteurs inclus dans cette liste.</p>	<p>4) Néant pour les catégories suivantes:</p> <ul style="list-style-type: none"> (a) Visiteurs d'affaires (b) Personnes mutées au sein d'une même entreprise (c) Prestataires de services contractuels – Employés d'entités morales (d) Administrateurs indépendants <p>Les visiteurs d'affaires peuvent être les personnes visitant Djibouti temporairement aux fins spécifiées aux points (i), (ii) et (iii) ci-après :</p> <p>(i) Pour l'offre de services ou la conclusion d'accords en vue des ventes pour ce prestataire de services (vendeur de services) et/ou</p> <p>(ii) Les employés d'une entité morale aux fins de la mise en place d'une présence commerciale de cette entité morale à Djibouti.</p> <p>(iii) les personnes participant aux réunions d'affaires.</p> <p>Les personnes mutées au sein d'une même entreprise sont au service d'une entité morale</p>	<p>4) Néant pour les mesures affectant les catégories mentionnées dans la section concernant l'accès au marché</p>	<p>L'accès pour les visiteurs d'affaires est soumis à la condition que :</p> <ul style="list-style-type: none"> • les représentants de ces prestataires de services ou employés de ces personnes morales ne s'impliqueront pas dans des ventes directes au public ou dans la prestation de services eux-mêmes. • ne recevront aucune rémunération d'une source localisée au sein de Djibouti. • l'entrée des personnes relevant de cette catégorie est pour une période de 90 jours au plus durant chaque visite. <p>L'entrée des personnes mutées au sein d'une entreprise est accordée, dans les limites numériques définies par la Loi; le visa</p>

	<p>d'un autre Etat membre et sont transférés <i>temporairement</i> à une succursale ou à un bureau de représentation dans le contexte de la prestation d'un service à Djibouti. Ces personnes transférées sont des catégories des personnes suivantes :</p> <p>(i) Les cadres sont : Les personnes qui dirigent une agence ou un ou plusieurs départements en tant que leurs Chefs, ou supervisent ou contrôlent le travail d'autres cadres professionnels, de supervision ou d'administration, et ont l'autorité de désigner ou de démettre le personnel, et ont des pouvoirs pour exercer une autorité discrétionnaire sur les opérations courantes ;</p> <p>(ii) Les Directeurs sont : Des personnes qui occupent des postes de direction au sein d'une entité morale, y compris une agence, qui dirigent la Direction générale, détiennent des pouvoirs élargis de prise de décisions et sont soit membres du Conseil d'administration ou reçoivent des instructions du Conseil ou de l'organe général des actionnaires ;</p> <p>(iii) Les Experts spécialisés sont: des personnes qui possèdent de bonnes qualifications et des connaissances à un niveau avancé qui sont pertinentes aux activités de l'organisation ou à la recherche, aux équipements, aux techniques ou à la direction de l'organisation, et peuvent inclure des personnes qui sont membres d'organes</p>		<p>d'entrée et le permis de long séjour pour une période initiale de 1 (une) année, qui peuvent être prorogés sous réserve des termes de fonctionnement de l'entité à Djibouti. Les employés doivent avoir déjà travaillé au sein de l'entreprise pendant 2 ans au moins, avant sa mutation</p> <p>L'accès pour les prestataires de services contractuels-employés d'entités morales n'est disponible que dans le secteur de service spécifique où le contrat a été conclu et les employés devraient avoir les qualifications éducationnelles et professionnelles appropriées pertinentes aux services à fournir</p> <p>L'accès pour les administrateurs indépendants n'est disponible que dans le secteur de service spécifique où le contrat a été conclu.</p>
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	<p>professionnels accrédités.</p> <p>Les prestataires de services contractuels-employés d'entités morales sont :</p> <p>(i) Les employés d'une entreprise ou société en nom collectif basée à l'étranger, qui voyagent à Djibouti <i>temporairement</i> pour de courtes durées de séjour allant jusqu'à une année, aux fins de fournir un service aux termes d'un contrat entre leur employeur et un ou plusieurs clients basés à Djibouti où l'employeur n'a pas de bureau affilié et où la rémunération doit être versée uniquement à l'employeur, et</p> <p>(ii) Les employés d'une entreprise ou société en nom collectif basée à l'étranger, qui voyagent à Djibouti. <i>temporairement</i> pour de courtes durées de séjour allant jusqu'à une année, aux fins de remplir des exigences de qualification et de délivrance de licence d'exploitation, là où la présence à Djibouti est une condition essentielle pour le respect desdites exigences.</p> <p>Les administrateurs indépendants sont :</p> <p>(i) Les personnes physiques voyageant à Djibouti <i>temporairement</i> pour de courtes durées de séjour allant jusqu'à <i>douze mois</i> avec permission de prorogation de <i>trois mois</i> au plus, aux fins de fournir un service aux termes d'un ou des contrats conclus entre eux et un ou des clients basés à Djibouti, pour lesquels ils ou elles possèdent les références et qualifications académiques nécessaires, et ont obtenu, le cas</p>		<p>Pour les catégories (c) et (d):</p> <ul style="list-style-type: none"> • Preuve de contrat • Possession des qualifications académiques et professionnelles requises pertinentes aux services à fournir, y compris l'expérience professionnelle
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	<p>échéant, l'enregistrement auprès d'un organe professionnel et la rémunération doit être versée uniquement à la personne physique ; et</p> <p>(ii) Les personnes physiques voyageant à Djibouti <i>temporairement</i> pour de courtes durées de séjour allant jusqu'à 12 mois, aux fins remplir les conditions de qualification ou de délivrance de licence d'exploitation, là où la présence à Djibouti est une condition essentielle pour le respect de ces exigences.</p>		
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ENGAGEMENTS SECTORIELS			
1. SERVICES DE COMMUNICATIONS			
B. <u>Services de courrier</u> (CPC 7512)	1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	
C. Services de Télécommunications			
a) Services de téléphonie vocale (CPC 7521) (b) Services de transmission de données avec commutation par paquets (CPC 7523**) (c) Services de transmission de données avec commutation de circuits (CPC 7523**) (d) Services de télex (CPC 7523**) (e) Services de télégraphe (CPC 7523**) (f) Services de télécopie (CPC 7521**+7529**) (g) Services de circuit privé pris à bail (CPC	1) Non consolidé 2) Non consolidé 3) Non consolidé, monopole d'Etat au profit de Djibouti Telecom SA, opérateur public des télécommunications 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	1) Non consolidé 2) Non consolidé 3) Non consolidé, monopole d'Etat au profit de Djibouti Telecom SA, opérateur public des télécommunications 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	

7522+7523**)**

**(h) Courrier électronique
(CPC 7523**)**

**(i) Messagerie vocale (CPC
7523**)**

**(j) Services directs de
recherche d'informations
permanente et de serveur de
base de données (CPC
7523**)**

**(k) Services d'échange
électronique de données (CPC
7523**)**

**(l) Services à valeur
ajoutée/améliorés de télécopie,
y compris enregistrement et
retransmission et
enregistrement et recherche
(CPC 7523**)**

**(m) Services de conversion
de codes et de protocoles**

**(n) Services de traitement
direct de l'information et/ou
de données (y compris le
traitement de transactions)
(CPC 843**)**

(o) Autres

(i) Radiomessagerie

(ii) Radio mobile privé

**(iii) Services de location du
matériel**

**(iv) Services de vente du
matériel**

(v) Equipment Services de maintenance du matériel (vi) Services mobiles (par satellite)			
2.SERVICES RELATIFS AU TOURISME ET AUX VOYAGE			
<u>A. Hôtels et restaurants, y compris catering (CPC 641-643)</u>	<p>1) Néant</p> <p>2) Néant</p> <p>3) Néant</p> <p>4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>1) Néant</p> <p>2) Néant</p> <p>3) Néant</p> <p>4) Non consolidé, les fournisseurs de services étrangers doivent former un certain nombre raisonnable de nationaux</p>	
<u>B. Agences de voyage et autre Services tour opératoire (CPC 7471)</u>	<p>1) Néant</p> <p>2) Néant</p> <p>3) Néant</p> <p>4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>1) Néant</p> <p>2) Néant</p> <p>3) Néant</p> <p>4) Non consolidé, les fournisseurs de services étrangers doivent former un certain nombre raisonnable de nationaux</p>	
<u>C. Les Services guide touristique (CPC 7472)</u>	<p>1) Néant</p> <p>2) Néant</p>	<p>1) Néant</p> <p>2) Néant</p>	

	<p>3) Néant</p> <p>4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>3) Néant, la plupart des employés doivent être des nationaux</p> <p>4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	
3. SERVICES FINANCIERS			
1. Tous les services d'assurance et relatifs à l'assurance			
<p>Assurance directe : services d'assurance vie et non vie (CPC 8121 and 8129)</p>	<p>1) Non consolidé, présence commerciale requise</p> <p>2) Néant</p> <p>3) Non consolidé, les entreprises d'assurance étrangères ne peuvent exercer leurs activités d'assurance en République de Djibouti que sous forme de filiale agréée. La participation étrangère au capital social des sociétés d'assurance est limitée à 50%. - un examen des besoins économiques.</p> <p>4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>1) Non consolidé, la présence commerciale est requise</p> <p>2) Néant</p> <p>3) Néant</p> <p>4) Le mandataire général d'une société d'assurance étrangère doit avoir son domicile et résider en République de Djibouti depuis six mois au moins.</p>	<p>L'obtention de l'agrément est conditionnée par l'honorabilité et la qualification des dirigeants et administrateurs, les garanties financières apportées et un examen des besoins économiques.</p>
<p><u>Réassurance et rétrocession (CPC 81299*)</u></p>	<p>1) Néant</p> <p>2) Néant</p> <p>3) Néant</p>	<p>1) Néant</p> <p>2) Néant</p> <p>3) Néant</p>	<p>Les sociétés d'assurance opérant en République de Djibouti doivent céder à</p>

	4) Non consolidé sauf comme indiqué sous les engagements horizontaux	4) Non consolidé sauf comme indiqué sous les engagements horizontaux	la société de réassurance du Comesa ZEP-RE au moins 10% sur leurs traités de réassurance
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2. Services bancaires et autres services financiers			
Services bancaires et autres services financiers énumérés ci-après: a) Acceptation de dépôts et d'autres fonds remboursables du public (CPC 81115-81119) b) Prêts de tout type, y compris crédit à la consommation, crédit hypothécaire, affacturage et financement de transactions commerciales (CPC 8113) c) Crédit-bail (CPC 8112) d) Tous services de règlement et de transferts monétaires, y compris cartes de crédit, de paiement et similaires, chèques de voyage et traites (y compris règlement des exportations et importations) (CPC 81339) e) Garanties et engagements (CPC 81199**) f) Opérations pour compte	1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	

<p>propre ou pour compte de clients, que ce soit dans une bourse, sur un marché hors cote ou autre, sur:</p> <ul style="list-style-type: none">- instruments du marché monétaire (chèques, effets, certificats de dépôt, etc) (CPC 81339**)- devises (CPC 81333)- produits dérivés, y compris instruments à terme et options (CPC 81339**)- instruments du marché des changes et du marché monétaire, y compris swaps, accords de taux à terme, etc. (CPC 81339**)- valeurs mobilières négociables (CPC 81321*)- autres instruments et actifs financiers négociables, y compris métal (CPC 81339**) <p>g) Participation à des émissions de tout type de valeurs mobilières, y compris garantie et placement en qualité d'agent (dans le public ou à titre privé) et prestation</p>			
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<p>de services relatifs à ces émissions (CPC 8132)</p> <p>h) Courtage monétaire</p> <p>i) Gestion d'actifs, par exemple gestion de trésorerie ou de portefeuille, toutes formes de gestion d'investissement collectif, gestion de fonds de pensions, services de dépositaire et services fiduciaires</p> <p>j) Services de règlement et de compensation afférents à des actifs financiers, y compris valeurs mobilières, produits dérivés et autres instruments négociables</p> <p>k) Services de conseil, d'intermédiation et autres services financiers auxiliaires de toutes les activités énumérées ci-dessus, y compris cote de crédit et analyse financière, recherche et conseil en investissements et en placements et conseil en matière d'acquisitions, de restructurations et de</p>			
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stratégies d'entreprises (CPC 81339**+CPC 81319)			
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11. Transport			
A. Service de Transport Maritime b. Transport des marchandises 7212	1) Non consolidé 2) Néant 3) Non consolidé, délivrance des licences sur la base d'un examen des besoins économiques 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	
d. Maintenance et réparation des bateaux (CPC 8868**)	1) Non consolidé 2) Néant 3) Non consolidé, la participation étrangère au capital est limitée à 49%. 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	

C. Transport Aérien a. transportation des Passagers (CPC 731) b. Transportations des Freight (CPC 732)	1) Néant 2) Néant 3) Non consolidé, la participation étrangère au capital est limitée à 49%. 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	
e. Les services de Soutien pour transport Aérien (CPC 746)	1) Néant 2) Néant 3) Non consolidé, la participation étrangère au capital est limitée à 49% pour les sociétés Djiboutiennes de Service de Soutien pour le Transport Aérien 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux	

<p>F. Transport Routier b transportation de Freight (CPC 7123) d. Maintenance et réparation des équipements de transport routier (CPC 6112+8867) e. Services de soutien pour les services transport Routier (CPC 744)</p>	<p>1) Néant 2) Néant 3) Non consolidé, la participation étrangère au capital est limitée à 49% pour les sociétés Djiboutiennes de Service de Soutien pour le Transport Aérien 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	
<p>G. Service de transport par conduites a. Transportation de carburant (CPC 7131) B. Transportation des autres marchandises (CPC 7139)</p>	<p>1) Néant 2) Néant 3) Non consolidé, la participation étrangère au capital est limitée à 49%. 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	
<p>H. Les Services auxiliaires a tout mode de transport a. Les services effectuant les Cargos (CPC 741) b. Stockage et services des magasins depots (CPC 742) c. Agents de Service de transport de Freight d. autres (CPC 749)</p>	<p>1) Non consolidé 2) Néant 3) Non consolidé, la participation étrangère au capital est limitée à 49%. 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	

KENYA'S OFFER FOR COMESA TRADE IN SERVICES NEGOTIATIONS

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
I. HORIZONTAL COMMITMENTS		
All sectors included in this schedule	<p>3) Commercial presence requires that foreign service providers incorporate or establish the business locally</p> <p>4) Unbound, except for:</p> <p>Intra-corporate Transferees: Personnel sent from the headquarters in the home country to temporary work in a subsidiary in Kenya. Each company may be allowed to bring six expatriates, subject to clear evidence that the skills are not available in Kenya.. They must have at least two-year prior employment in the home country. Allowed to stay for two years that can be extended.</p> <p>Business Visitors Personnel employed by a service company abroad that enters Kenya to conduct business meetings or setting up establishment. Cannot be engaged in the direct provision of services. Entry allowed for up to 90 days in a calendar year.</p>	<p>3) Resident firms taxed at 30% and Non-Resident 37.5%</p> <p>4) None for intra-corporate transferees and business visitors</p>

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
II. SECTOR-SPECIFIC COMMITMENTS		
COMMUNICATION SERVICES		
A. Courier Services, excluding Postal services (CPC 7512)	1) None 2) None 3) None ,Except maximum foreign capital participation of 30% 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. Telecommunication services (CPC 7521-7523**, 7529**, 843**)	1) None 2) None 3) Foreign investment is limited to 30% shares 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section
Vending of telecommunications terminal equipment	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
Installation and maintenance of telecommunications terminal equipment	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

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
C. Audiovisual services (CPC 9611 and 9612)	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
FINANCIAL SERVICES		
A. Insurance services		
a. Life, accident and health insurance services (CPC 8121)	1) Unbound 2) Unbound 3) One third of the paid up capital must be owned by Kenya nationals 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section
b. Non-life insurance, except Aviation, Marine and Engineering (CPC8129)	1) Unbound 2) Unbound 3) One third of the paid up capital must be owned by Kenyan nationals 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section
c. Reinsurance and retrocession (CPC 81299)	1) None 2) None 3) None, except Mandatory cessions must be placed with Kenya RE 18%,Zep Re 10%and Africa Re 5%	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
	4) Unbound ,except as indicated in the horizontal commitments	
d. Services auxiliary to insurance: assessors, intermediaries and loss adjustors (CPC 81403)	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 auxiliary to Insurance: Broking services (CPC 81401)	1) Unbound 2) Prior approval of the Commissioner of Insurance (C.O.I) is required to place Kenyan business with an insurer not registered under the Kenya Insurance Act. 3) 50% of the paid up capital must be owned by Kenyan nationals. 4) Unbound, except as indicated in the horizontal Commitments.	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the horizontal Commitments.
d. Services auxiliary to Insurance: Agency services (CPC 81401)	1) Unbound, except for re-insurance services. 2) Unbound 3) Agency services restricted to Kenyan Nationals. 4) Unbound, except as indicated in the Horizontal Commitments.	1) None 2) Unbound 3) Unbound 4) Unbound, except as indicated in the Horizontal Commitments.
B. Banking and other financial services		
a. Acceptance of deposits	1) None 2) None	1) None 2) None

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
<p>and other repayable funds from the public (CPC 81115-81119) b. Lending of all types , including consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113) d. All payments and money transmission services (CPC 81339**) e. Guarantees and commitments (CPC 81199**) k. Advisory and other auxiliary financial services (CPC 8133)</p>	<p>3) None 4) Unbound, except as indicated in the horizontal section</p>	<p>3) Unbound 4) Unbound, except as indicated in the horizontal section</p>
<p>g. Participation in issues of all kinds of securities and provision of services related to such issues except underwriting</p>	<p>1) Unbound 2) None 3) Foreign portfolio investors can hold up to 40% of the shareholding of a locally listed company. They can also take up to 40% of any additional public offering by a foreign convened listed company. 4) Unbound, except as indicated in the Horizontal Commitments.</p>	<p>1) Unbound 2) None 3) Unbound 4) Unbound, except as indicated in the Horizontal Commitments.</p>
<p>i. Asset management, except pension fund management (CPC 81323*)</p>	<p>1) None 2) None 3) 30% of the paid up capital must be owned by Kenyan nationals 4) Unbound, except as indicated in the horizontal section</p>	<p>1) None 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section</p>

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
TOURISM AND TRAVEL RELATED SERVICES		
A. Hotel and Restaurants, including catering (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 agencies and tour operators 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 guide services (CPC 7472)	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
TRANSPORT SERVICES		
A. Maritime Transport services		
.Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) Requirement for joint venture 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
C. Air Transport services		
e. Supporting services for air transport (CPC 746) i) Selling and marketing of air transport services ii) Computer reservation system services	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
F. Road Transport Services		
a. Passenger transportation (CPC 7121+7122)	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. Freight transportation (CPC 7123)	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
c. Rental of commercial vehicles with operator (CPC 7124)	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

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
d. Maintenance and repair of road transport equipment (CPC 6112+8867)	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
e. Supporting services for road transport services (CPC 744)	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

Egypt - Initial Schedule of Commitments

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
I. HORIZONTAL COMMITMENTS				
ALL SECTORS INCLUDED IN THIS SCHEDULE	4) <u>The entry and temporary stay of natural persons</u>	3) <u>Acquisition of land:</u> Authorization is required for the acquisition of land and/or real estate property. Applications in this respect are considered on the basis of the evaluation of the specific projects for which the acquisition is requested and in accordance with the national policy objectives. Acquisition of land and/or real estate property in free zone areas is unbound.		4) None for the measures affecting the categories referred to under market access.

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>Unbound except for the following categories:</p> <ol style="list-style-type: none"> 1. <u>Business visitors</u> <p>A natural person who stays in Egypt without acquiring remuneration within Egypt and without engaging in making direct sales or supplying services to the general public, for the purposes of participating in business meetings, business contacts including negotiations for the sale of services and/or other similar activities including those negotiations to prepare for establishing a commercial presence in Egypt: Entry and stay shall be for a period of 90 days.</p> 2. <u>Intra-Corporate Transferees</u> <p>Access is subject to the following conditions:</p> <ul style="list-style-type: none"> - the natural person concerned must work within a juridical person, established in the territory of a COMESA Member and have been employed by it for a period of at least two years immediately preceding the date of their application for admission - the natural person concerned must be seeking temporary entry in order to work for (i) the same juridical person which is engaged in substantive business operations in Egypt or (ii) Juridical person constituted in Egypt and engaged in substantive business operations in Egypt which is owned by or controlled by or affiliated with the aforementioned juridical person. 		

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
	<ul style="list-style-type: none"> - A work permit is required from the relevant Egyptian authorities, and the number of foreign natural persons necessary to the supply of services in any entity, regardless of the number of its branches shall not exceed 10% of the total number of personnel employed therein. - the natural person concerned must belong to one of the following categories: <ul style="list-style-type: none"> (a) Senior Managers: Persons working in a senior position within a juridical person, who primarily direct the management of the establishment, receiving general supervision or direction principally from the board of directors or stockholders of the business or their equivalent, including: <ul style="list-style-type: none"> - directing the establishment or a department or sub-division of the establishment; - supervising and controlling the work of other supervisory, professional or managerial employees; - having the authority personally to hire and fire or recommend hiring, firing or other personnel actions. <p>Compliance with an ENT is not required for senior managers.</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
	<p>(b) Specialists: Persons working within a juridical person who possess uncommon knowledge essential to the establishment's service, research equipment, techniques or management. In assessing such knowledge, account will be taken to the non-availability of such specialized personnel in Egypt, the applicant's employment experience, qualifications and suitability for the position.</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
<p><u>II: Sector Specific Commitments</u></p> <p>2.B. Courier services (CPC 75121- Multi-modal courier services Services consisting of pick-up, transport and delivery services, whether for domestic or foreign destinations of letters, parcels and packages, rendered by courier and using one or more modes of transport, other than by the national postal administration. These services can be provided by using either self-owned or public transport media.</p> <p>Exclusions; Courier services for mail by air are classified in subclass 73210 (mail transportation by air).</p>	<ol style="list-style-type: none"> 1) Unbound 2) None 3) Special Authorization from the Egyptian National Postal Organization (ENPO) will be needed. Authorizations are to be granted based on ENT. 4) Unbound, except as indicated in horizontal commitments. 	<ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in horizontal commitments. 	

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>2.C. <u>Telecommunications Services</u></p> <p>This schedule does not include telecommunication services supplied for distribution of radio or television programming for direct reception by service consumer.</p>	<p>3) (a) Licenses for the provision of all telecommunication services in Egypt are to be granted by the Telecommunications Regulatory Authority. A transparent and non-discriminatory Economic Needs Test shall be the main basis for granting licenses.</p> <p>(b) Licenses are to be provided only to companies registered in Egypt.</p> <p>(c) Companies working in the telecommunications sector must train local human resources.</p>		<p>The government of Egypt undertakes additional commitments as set out in the attached reference paper hereto.</p>
<p>International and domestic services using any means of technology:</p> <p>2.C.a Voice telephone services</p> <p>2.C.d Telex services</p> <p>2.C.e Telegraph services</p> <p>2.C.f Facsimile services</p> <p>2.C.g Private leased lines (International Only)</p>	<p>1) None¹</p> <p>2) None</p> <p>3) (a) Resale of services is allowed based on agreements with Telecom Egypt.</p> <p>(b) Telecom Egypt is currently privatizing part of its shares through an initial public offering or sale to a strategic investor. Telecom Egypt may continue the privatization up to 49% of its shares in subsequent stages.</p> <p>(c) Public payphones, 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>	

¹ A license is required.

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
International services using any means of technology: 2.C.b&c Data services 2.C.o Internet services	1) None ² 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.	
Domestic services using any means of technology: 2.C.b&c Data services 2.C.g Private leased lines 2.C.o Internet services Other services: 2.C.o Mobile services (Digital Only) Other services using any means of technology: 2.C.o Paging services 2.C.o VSAT 2.C.h.-n. -Value Added Services	1) None ² 2) None 3) None 4) Unbound, except as indicated in the horizontal section 1) None ² 2) None 3) None. 4) Unbound, except as indicated in the horizontal section. 1) None ² 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.	

² A license is required.

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>7. FINANCIAL SERVICES:</p> <p><u>Measures of Specific Applications</u></p> <p><u>A. Insurance and Insurance - Related Services:</u> Commercial presence for insurance and related insurance companies shall take the form of Egyptian joint-stock company.</p> <p><u>B. Other Financial Services:</u> Commercial presence for conducting the activities of other Financial Services (Capital Market Services excluding trading in securities) should be incorporated in Egypt to take the form of a joint-stock company or a partnership limited by shares.</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
A. <u>All Insurance and Insurance-related Services</u>			
1. <u>Life, health, and personal accident</u>	<p>1) None 2) None 3) None</p> <p>Foreign Branches and Agencies are allowed only to carry on business in free zones, provided that their activities shall be confined to transactions carried out in convertible currencies.</p> <p>- Ownership of 10% or more of the issued capital equity of the companies operating inland is subject to the approval of the prime Minister.</p> <p>- 5 % of the Insurance Company's treaties must be ceded to the African Reinsurance Co.</p> <p>4) Qualified non-Egyptian directors are allowed for a five-year term and may be renewed. Their appointment and renewal is subject to the approval of the Supervisory Authority.</p>	<p>1) None 2) None 3) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	
2. <u>Non-life insurance</u>	<p>1) Unbound 2) None 3) Foreign Branches and Agencies are allowed only to carry on business in free zones, provided that their activities shall be confined to transactions carried out in convertible currencies.</p> <p>- Insurance companies must cede 10% of what exceeds retention limits in relation to branches of Fire, Oil, Engineering, Aviation, and Marine as direct insurance transactions to the Egyptian reinsurance company</p> <p style="text-align: right;">9</p> <p>- 5 per cent of the Insurance Company's treaties must be Ceded to the African Reinsurance Co.</p>	<p>1) Unbound 2) None 3) None</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
	<ul style="list-style-type: none"> - Ownership of 10% or more of the issued capital equity of the companies operating inland is subject to the approval of the prime Minister. -- Insurance and reinsurance companies are not allowed to deal with reinsurers not listed in the supervisory authority list. - Five % of the <i>Insurance</i> company's treaties must be ceded to African Reinsurance Co. 4) Qualified non-Egyptian directors are allowed for a five-year term and may be renewed. Their appointment and renewal is subject to the approval of the Supervisory Authority. 	<ul style="list-style-type: none"> 4) Unbound, except as indicated in 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
3 <u>Reinsurance and Retrocession</u>	<p>1) None</p> <p>2) None</p> <p>3) Foreign Branches and Agencies are allowed only to carry on business in free zones, provided that their activities shall be confined to transactions carried out in convertible currencies.</p> <p>- Ownership of 10% or more of the issued capital equity of the companies operating inland is subject to the approval of the prime Minister.</p> <p>- Insurance and reinsurance companies are not allowed to deal with reinsurers not listed in the supervisory authority list.</p> <p>- 5 % of the Reinsurance Company's treaties must be Ceded to the African Reinsurance Co.</p> <p>4) Unbound, except as indicated in horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p>	
4. <u>Intermediation</u>	<p>1) Unbound except for life insurance and reinsurance services.</p> <p>2) Unbound except for life insurance and reinsurance services.</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</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
<p>5. <u>Auxiliary services other than intermediation:</u></p> <p>(a) Actuarial services</p> <p>(b) Consultancy (risk assessment and risk management only)</p> <p>(c) Loss assessment</p> <p>(d) Liaison offices for public relations and market research</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Foreign service supplier must be authorized to perform this profession from a competent authority in his home country and registered at the Egyptian register for that purpose.</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) Foreign service supplier must be authorized to perform this profession from a competent authority in his home country and registered at the Egyptian register for that purpose.</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) Foreign service supplier must be authorized to perform this profession from a competent authority in his home country and registered at the Egyptian register for that purpose.</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</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
<p>B. <u>Banking Services</u></p> <p>1. Egyptian Joint Stock Companies:</p> <p>(a) Acceptance of deposits and other forms of repayable funds</p> <p>(b) All types of lending, including consumer credit, and financing of commercial transactions</p> <p>(c) All payment and money transmission services, including credit, charge and debit cards, traveller's cheques and bankers draft</p> <p>(d) Guarantees and Commitments</p> <p>(e) Trading for own account or for account of customers in:</p> <ul style="list-style-type: none"> - Money market instruments (cheques, bills and certificates of deposits); - foreign exchange; - securities. <p>(f) Participation in share issues and the provision of services related to such issues through subsidiaries</p> <p>(g) Money broking</p> <p>(h) Safekeeping of securities</p> <p>(i) Credit reference services</p> <p>(j) Safe custody services</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) On a non- discriminatory basis, ownership of more than 10 percent of the issued capital of any bank, or any ratio leading to actual dominance over the bank, requires the approval of The Central Bank of Egypt (CBE) Board of Directors.</p> <p>4) Unbound, except as indicated in the horizontal section. In addition, the General Manager should have banking experience in Egypt of no less than ten years for banks established in Egypt other than branches of foreign banks.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Foreign service suppliers, in the context of Egyptian Joint Stock Companies are required to offer on-the-job training for national employees.</p> <p>4) Unbound, except as indicated in horizontal section.</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
<p>2. <u>Foreign Bank Branches</u></p> <p>Same activities specified under 1. above</p>	<p>1) Unbound 2) Unbound 3) Economic needs test shall be applied as incorporation or registration will not be allowed unless the CBE is satisfied that there exists an economic benefit and advantage for issuing additional licenses for banking corporation. 4) Unbound, except as indicated in horizontal section.</p>	<p>1) Unbound 2) Unbound 3) Branches of foreign banks may be licensed to deal in local currency in addition to foreign currency subject to the satisfaction of minimum capital requirement, adequacy of provisions and other prudential measures. 4) Unbound, except as indicated in horizontal section.</p>	
<p>3. <u>Representative Offices of Foreign Banks (R.O.'s)</u></p>	<p>1) Unbound 2) Unbound 3) Foreign banks which desire to set up representative offices should not have branches in Egypt.</p> <p>- Activities of R.O.'s should be confined to conducting studies on potential investments, acting as liaison with their head offices and contributing to solving problems and difficulties that may confront their head offices' correspondents in Egypt.</p> <p>4) Unbound, except as indicated in horizontal section.</p>	<p>1) Unbound 2) Unbound 3) Unbound</p> <p>4) Unbound, except as indicated in horizontal section.</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
<p><u>C. Other Financial Services</u> <u>1. Securities</u></p> <p>(a) Underwriting (b) Brokerage (c) Trading in securities (Buy and Sell by individual or institution on the stock exchange) (d) Clearing and settlement (e) Marketing and market promotion (f) Portfolio and investment management (g) Establishment of collective investment funds (h) Venture capital</p>	<p>1) None 2) None 3) None 4) Unbound, except as indicated in horizontal section.</p>	<p>1) None 2) None 3) None 4) Unbound, except as indicated in horizontal section.</p>	
<p>2. <u>Financial Leasing</u></p>	<p>1) None 2) None 3) None 4) Unbound, except as indicated in horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound, except as indicated in horizontal section.</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
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. <u>Hotels and Restaurants</u></p> <p>1. <u>Hotels and Other Commercial Accommodations</u></p> <p>(a) Hotels and motels (b) Resort hotels and accommodation facilities (c) Casino hotels</p> <p>2. <u>Restaurants, Bars and Canteens</u></p> <p>(a) Full service restaurants (b) Fast food restaurants and cafeteria</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) A licence will be given according to the requirement of economic needs test (main criteria: market needs and locating different categories of hotels).</p> <p>- Casino services can be provided only through 5 stars hotels (gambling allowed only for foreigners)</p> <p>- Limitations on the total number of services operations depend on the requirement of economic needs test (geographical location, increase in the number and categories of tourists)</p> <p>- Foreign capital equity should not exceed 49 per cent in projects to be established in Sinai</p> <p>4) Unbound, except as indicated in horizontal section.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Training of Egyptian employees shall be performed by the foreign natural persons within the terms of the contract</p> <p>4) Unbound, except as indicated in horizontal section.</p>	
<p>B. <u>Travel Agencies and Tour Operators Services</u></p> <p>(a) Tour operators, packagers and wholesalers (b) Travel agencies</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Limitations on the total number of services operations depend on the requirement of economic needs test</p> <p>4) Unbound, except as indicated in horizontal section.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Training of Egyptian employees shall be performed by the foreign natural persons within the terms of the contract</p> <p>4) Unbound, except as indicated in horizontal section.</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
<p>D. <u>Other Tourism Services</u></p> <p>1. <u>Tourism Management Services</u></p> <p>(a) Tourism property management</p> <p>(b) Rental /lease of tourism property</p>	<p>1) None</p> <p>2) None</p> <p>3) Bound only for representative offices. Limitations on the total number of services operations depend on the requirement of economic needs test.</p> <p>4) Unbound, except as indicated in horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) Training of Egyptian employees shall be performed by the foreign natural persons within the terms of the contract</p> <p>4) Unbound, except as indicated in horizontal section.</p>	
<p>2. <u>Tourism Transport Services</u></p> <p>(a) Land transport services</p> <p>1. Long distance tour buses</p> <p>2. Short Distance tour buses</p> <p>(b) Inland Water Ways</p> <p>1. Inland Water Passenger Transport</p> <p>2. Inland Water local tours</p> <p>3. Cruise ships</p> <p>3. <u>Tourism Training Institutions</u></p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) Unbound</p> <p>2) None</p> <p>3) The addition to the inland water passenger and/or local tours is subject to the physical capacity of the Nile river.</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</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
4. <u>Tourism Related Conventions</u>	1) None 2) None 3) None 4) Unbound, except as indicated in horizontal section.	1) None 2) None 3) None 4) Unbound, except as indicated in horizontal section.	
5. <u>Institutional Food Service Caterers</u> (with the exception of Airport Catering Facilities which are confined only to the national air carriers)	1) None 2) None 3) None 4) Unbound, except as indicated in horizontal section.	1) None 2) None 3) None 4) Unbound, except as indicated in 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
<p>11. TRANSPORT SERVICES</p> <p>A. <u>International Maritime Transport</u></p> <p>(a) <u>Passenger Transportation</u></p> <p>(b) <u>Freight Transportation</u></p> <p>(f) Supporting services for Maritime Transport: Port dredging</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Commercial Presence is only allowed for joint-venture companies. Foreign capital equity shall not exceed 49 %. All ships owned by the established companies shall be registered at the Egyptian ship register as a pre-requisite to fly the Egyptian flag.</p> <p>4) 95 % of the crew shall be national and their wages and salaries shall not be less than 90 % of the total paid up wages and salaries. The Chairman and majority of the Board of Directors must be Nationals</p> <p>1) Unbound*</p> <p>2) Unbound</p> <p>3) Commercial Presence is only allowed for joint-venture companies. Foreign capital equity shall not exceed 75 %</p> <p>4) At least 25 % of both the personnel and members of the Board of Directors must be Nationals</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p> <p>1) Unbound*</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</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
<p><u>C. Air Transport Services</u></p> <p><u>Repair, Maintenance and Calibration services of tests equipments for civil aircrafts.</u></p> <p><u>Selling and Marketing of air transport services</u></p> <p><u>Computer Reservation Systems (CRS) Services</u></p>	<p>1) Unbound. 2) None. 3) None. 4) Unbound except as indicated in the horizontal section.</p> <p>1) None. 2) None. 3) None. 4) Unbound except as indicated in the horizontal section.</p> <p>1) None. 2) None. 3) None. 4) Unbound except as indicated in the horizontal section.</p>	<p>1) Unbound. 2) None . 3) None. 4) Unbound.</p> <p>1) None. 2) None. 3) None. 4) Unbound.</p> <p>1) None. 2) None. 3) None. 4) Unbound.</p>	

Reference Paper

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunication transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users

of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that any supplier with a dominant position will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

EGYPT – FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
ALL SECTORS	Full national treatment is extended to foreign personnel of the countries indicated in column 3	Greece Iraq Jordan Libya Qatar Sudan United Arab Emirates Yemen and possibly: other countries	This measure shall be maintained as long as the agreements referred to in column 2 remain in force or are extended	To ensure opening of the markets in the countries referred to in column 3, as the major trading partners do not accord the Egyptian nationals satisfactory opportunities.
ROAD TRANSPORT (PASSENGER AND FREIGHT)	The supply of road transport services by foreign suppliers into and across the territory of Egypt is limited to vehicles registered in the countries indicated in column 3, with which Egypt is a party in bilateral or multilateral agreements	The Arab-League countries, and possibly: other countries	This measure shall be maintained as long as the agreements referred to in column 2 remain in force or are extended	To promote intra-Arab trade and facilitate movement of Arab citizens into Egypt as stipulated in the Arab-League Agreement

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
AUDIOVISUAL SERVICES (Co-production Agreements)	Full national treatment is extended to audiovisual works (Co-production Agreements) originating only in countries indicated in column 3, with which Egypt is a party to bilateral or multilateral agreements	Algeria Cyprus Iraq Jordan Kuwait Lebanon Libya Mauritania Morocco Oman Sudan Syria Tunisia United Arab Emirates and possibly: other countries	This measure shall be maintained as long as the agreements referred to in column 2 remain in force or are extended	To maintain the Arab culture and identity

License terms for the National Telecommunications Corporation

Terms of Services Licensing Card e-freight

1. Provision a reserve of equipment and devices to ensure the service stability.
2. The devices and equipment shall be a high degree of reliability, quality and in accordance with the international standards and specifications.
3. Software shall allow managing issuance of cards and access to information, including:
 - A. Details of cards that has been consumed, with their numbers and detailed value.
 - B. Details of cards that have been put on the market and have not been consumed yet, with their categories and numbers.
 - C. Details of cards that are under consumption.
4. Licensed company shall insure that 100% of total paid value cards which available for subscribers are completely active.
5. The card shall be with a serial number.
6. Licensed Company shall write the following information on the card:
 - A. The name of the licensed company.
 - B. Free number to enter the system
 - C. Customer Contact service number.
 - D. Identify card's expired date from the first use.
 - E. Instructions for use.
7. The service provider shall be committed to provide any data or information about the cards whenever it is required by NTC.
8. Customer services' contact number shall be identified to enable a subscriber to inquire when a problem occurs.
9. NTC has the right, according to [telecom. Act of 2001](#) to revoke the license and stop the service if NTC inspects the submitted complaints, or conditions' violation, or license regulations.

The license terms for short messages and voice interaction via mobile phone

1. To provide the required equipments, devices and their support to ensure continuity and stability of the service.
2. Equipment and devices should be with a high degree of reliability, quality and in accordance with the standards and specifications.
3. To provide of appropriate capacities and monitoring their efficiency to tackle any problem that may occur in any time.
4. To attach a copy of the agreement signed with operators.
5. To commit to the tariff confirmed by NTC, and the change should have NTC approval.
6. To ensure that customers receive services equivalent to the fees.
7. To Access to the service via assigned number, the customer be billed after the

beginning of receiving the service.

8. Company distribute user guide to explain how to use.

9. To provide all the data and statistics required by NTC.

10. To provide the final and reviewed budget attached by service detailed report.

11. In case the customer request for a service via specified messages, that to be achieved according to the conditions of requesting the announced service. The customer billed after delivering the service and utilization in accordance with the approved tariff.

12. The licensee company undertakes to gives the customer the option to cancel the service through defined messages, with continuous of ensuring of its effectiveness.

13. NTC is not responsible of the information and it's accuracy that provided by licensee company.

14. For the chat service, the provider company should commit to the followings:

- Before subscription the applicant of the Service should agree to take the fully legal responsibility of the message content.
- Emphasize on completion of the subscribers information.
- To commit to tackle complains of subscribers in not more than 48 hours.
- To save the data for not less than three months.
- To filter indecent words infringing ethics and religion with continuous update.
- Continuous monitoring for the system.

15. For the short messages services through the Web, Licensee Company should commit to the followings:

- The service should target only the subscribers (fully registration by formal identity documents).
- Licensee company to bear the responsibility for license of content from the concerned authorities.
- Licensee company to make contracts with subscribers. The contract should contains clear conditions and to be approved by the NTC.
- Licensee company to obliged its subscribers to choose nicknames not inconsistent with religion, ethics and not offend public decency.

16. For additional service, the licensee company to submit a request to NTC for the approval.

17. Licensee company to commit to get approvals from the following:

- Ministry of Religious Affairs and Endowments
- Ministry of Youth and Sports

18. For MMS service, the data of subscribers must be completed, and distributed to telecommunication companies and compared with their records.

19. NTC has the right to cancel the license or stop the service if the regulations and conditions of license violated.

20. Licensee company to commit to implement the project according to specified time mentioned in the study.

21. Licensee company to commit that the contents not inconsistent with religion and ethics.

22. NTC has the right to add or delete any condition in the regulations, considered as necessary to preserve the integrity and fairness of service delivery, the licensee company to be informed officially by the new modifications and changes, which will be obliged according to time period determined by NTC.

Licensing requirements for technical support

Firstly: General conditions:

1. The company should be registered in the Sudan in accordance with the Companies Act.
2. Sudanese proportion shall not be less than the contributor than 51% of the overall ratio in the case of the second group and third, in the first category, there must be an authorized agent or office in Sudan.
3. The company shall provide disclosure includes the names, nationalities, functions, and qualifications of the staff group.
4. Provide fixed assets detection and their prices, including devices, equipment, and vehicles and so on.
5. Provide copies of the signed applicable conventions with any operator.

Secondly: Obligations:

Technical support Service provider shall be committed to:

1. Not to bring any foreign labor, except in the case of rare or unavailable specialties, as long as it gets prior approval from NTC and other competent bodies.
2. Not to implement any specific acts of telecommunications except in accordance with written and notarized contract between him and the operator, the work demanding, specifying obligations and duties of each party, attaching a copy to NTC.
3. Not to provide public or private telecom services in Sudan, its work is providing technical support to telecom networks according to the license granted to him.
4. Not to use any frequencies or frequency packs for any purpose without obtaining the prior written approval from NTC.
5. Abide by telecommunication law of 2001 and regulations issued pursuant thereto and any directives or instructions issued by NTC Director General, at any time.
6. Not to contact with other parties to implement any of the licensed business, unless that party has a valid license from NTC.
7. Not to contract with companies in the same category of license or higher categories.

Terms of the licensing service AVL public network

The licensed company should be committed as follows:

1. Service shall be provided according to approved packages.
2. The company shall not provide any other services unless they shall be approved by NTC ,except for licensed ones.

3. The company Customers shall not be able to control and program tracking devices installed on vehicles.
4. Devices and equipment shall be with a high degree of reliability, capable of providing data and clarity of provided information.
5. Provide a reserve of devices and equipment to ensure stability and continuity of service.
6. The company shall provide a point of contact to assist clients in any emergency case related to the Service and remove it immediately.
7. NTC shall attach the partnership contract between the company and customers to be approved .
8. NTC shall attach a copy of the signed agreement with the system's owner or operator, and any agreements with other parties.
9. NTC shall attach a copy of the final invoices for the purchase of equipment.
10. The company shall notify NTC about the service implementation stages, and date launching of commercial operation.
11. The company shall bear the responsibility for the accuracy and validity of data and information provided to its customers.
12. NTC has the right to stop the service and cancel the license if it is sub-standard and violated the license terms.
13. The company shall Provide quarterly reports on action movement, and all data and statistics required by NTC.
14. NTC has the right to add or delete any term to provide service it deems necessary, to preserve fairness of service provision, notifying the licensee in writing of such amendment, to be binding on the licensee in accordance with period of time specified by NTC.

Terms of the licensing service AVL private network

The licensed company should be committed as follows:

1. Service shall be provided according to approved packages.
2. The company shall not provide any other services unless they shall be approved by NTC ,except for licensed ones.
3. The company Customers shall not be able to control and program tracking devices installed on vehicles.
4. Devices and equipment shall be with a high degree of reliability, capable of providing data and clarity of provided information.
5. Provide a reserve of devices and equipment to ensure stability and continuity of service.
6. The company shall commit to use the network for purposes for which the license granted.
7. NTC shall attach a copy of the signed agreement with the system's owner or operator, and any agreements with other parties.
8. NTC shall attach a copy of the final invoices for the purchase of equipment.
9. Notify NTC about the service implementation stages, and date launching of

commercial operation.

10. The company shall bear the responsibility for the accuracy and validity of data and information provided to its customers.

11. NTC has the right to stop the service and cancel the license if it is sub-standard and violated the license terms.

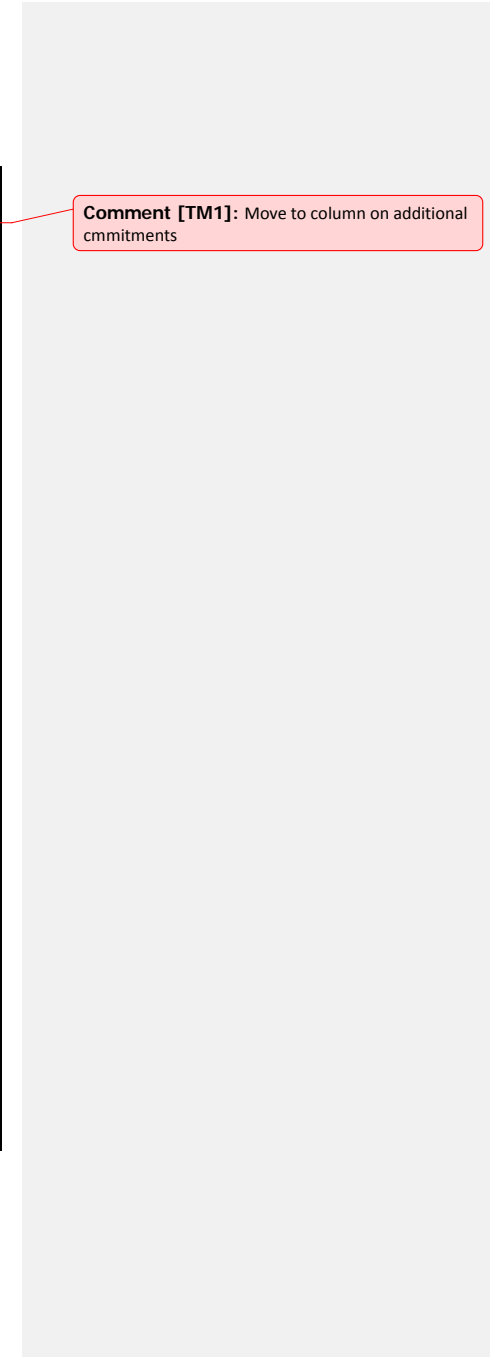
12. The company shall provide quarterly reports on action movement, and all data and statistics required by NTC.

13. NTC has the right to add or delete any term to provide service it deems necessary, to preserve fairness of service provision, notifying the licensee in writing of such amendment, to be binding on the licensee in accordance with period of time specified by NTC.

MALAWI'S OFFER FOR COMESA TRADE IN SERVICES NEGOTIATIONS

Modes of Supply: 1) Cross-border Supply 2) Consumption Abroad 3) Commercial Presence 4) Presence of Natural Person

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I HORIZONTAL COMMITMENTS			
<p>All sectors included in this schedule</p>	<p>4) Unbound, except for:</p> <p>Intra-corporate Transferees: Personnel sent from the headquarters in the home country to temporarily work in a subsidiary in Malawi. Each company is allowed to bring a maximum of five expatriates. They must have at least two-year prior employment in the home country. Allowed to stay for three years that can be</p>	<p>3) Each company must have at least three local directors in Malawi, of whom one will be designated Chairman of local directors and three or more directors (including the Chairman) should be resident in Malawi.</p> <p>Foreign investors are required to invest at least US Dollars 250,000.00</p> <p>4) Unbound except for measures concerning the categories of persons referred to in the market access column.</p>	



Comment [TM1]: Move to column on additional commitments

	extended. Number of people to be reviewed.		
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Business Visitors: Personnel employed by a Service company abroad that enters Malawi to conduct business meetings or setting up establishment. Cannot be engaged in the direct provision of services. Entry allowed for up to 90 days in a calendar year.		
II SECTORAL COMMITMENTS			
COMMUNICATION SERVICES *			
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>B)</u> Courier services <u>C)</u> (CPC 7512)	1) None 2) None 3)None, except for mail items weighing less than 350 grams 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None, except for mail items weighing less than 350 grams 4) Unbound except as indicated in the horizontal section	
<u>D)</u> Telecommunication services Voice telephone services -(CPC 7521)	1) None 2) None 3) None, Number of licenses granted to be determined according to an	1) None 2) None 3)None	

	economic need. 4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	
Packet-switched data transmission services (CPC 7523**)	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	
Telegraph Services (CPC 7522)	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	
Circuit-switched data transmission services (CPC 7523**)	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	
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Telex services (CPC 7523**)	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	
Telegraph services (CPC 7522)	1) None 2) None	1) None 2) None	

	3) None 4) Unbound except as indicated in the horizontal section	3) None 4) Unbound except as indicated in the horizontal section	
Facsimile services (CPC 7521**+ 7529**)	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	
Private leased circuit services (CPC 7522**+ 7523**)	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	
Electronic mail (CPC 7523**)	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	
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Voice mail (CPC 7523**)	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	
On-line information and data base retrieval (CPC 7523**)	1) None 2) None	1) None 2) None	

	3) None 4) Unbound except as indicated in the horizontal section	3) None 4) Unbound except as indicated in the horizontal section	
electronic data interchange (EDI) (CPC 7523**)	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	
enhanced/value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)	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	
on-line information and/or data processing (incl. transaction processing) (CPC 843**)	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	
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D Audio-visual services Motion picture and video tape production and distribution services (CPC 9611)	1) None 2) None 3) None 4) Unbound except as	1) None 2) None 3) None 4) Unbound except as	

	indicated in the horizontal section	indicated in the horizontal section	
Motion picture projection services (CPC 9612)	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	
Radio and television services (CPC 9613)	1) None 2) None 3) None, except maximum foreign shareholding of 40% 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
Radio and television transmission services (CPC 7524)	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	
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
FINANCIAL SERVICES			
A) INSURANCE SERVICES *			
All insurance and insurance-related services CPC			

<p>812**</p> <p>a) Life insurance (CPC 8121)</p>	<p>1) None 2) None 3) None, except that foreign companies are required to incorporate as subsidiaries</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None, except that the majority of the Members of the Board of Directors and the principal Officer shall be resident in Malawi 4) Unbound except as indicated in the horizontal section</p>	
<p>b. Non-life insurance services (CPC 8129)</p>	<p>1) None 2) None 3) None Foreign companies are required to incorporate as subsidiaries</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2)None 3) None The majority of the Members of the Board of Directors and the principal Officer should be resident in Malawi 4) Unbound except as indicated in the horizontal section</p>	
<p>c. Reinsurance and retrocession (CPC 81299*)</p>	<p>1) None 2)None 3) None Foreign companies are required to incorporate as subsidiaries</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None The majority of the Members of the Board of Directors and the principal Officer should be resident in Malawi 4) Unbound except as indicated in the horizontal section</p>	

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	1) Unbound 2) Unbound 3) None Foreign companies are required to incorporate as subsidiaries 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None, The majority of the Members of the Board of Directors and the principal Officer should be resident in Malawi 4) Unbound except as indicated in the horizontal section	
B) BANKING AND OTHER FINANCIAL SERVICES			
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a. Acceptance of deposits and other repayable funds from the public (CPC 81115 – 81119)	1) Unbound ¹ 2) Unbound 3) Only through subsidiaries of foreign-established banks 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
b. Lending of all types, incl., inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113)	1) None ² 2) None 3) Only through subsidiaries of foreign-	1) None 2) None 3) None 4) Unbound except as	

¹ Subject to Annex on Financial Services Art.2(a)

² Subject to exchange control regulations

	established banks 4) Unbound except as indicated in the horizontal section	indicated in the horizontal section	
c) Financial leasing (CPC 8112)	1) None 2) None 3) Only through subsidiaries of foreign-established banks 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. All payment and money transmission services (CPC 81339)	1) None 2) None 3) Only through subsidiaries of foreign-established banks 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. Guarantees and commitments (CPC 81199)	1) None 2) None 3) Only through subsidiaries of foreign-established banks 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
f. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or			

<p>otherwise, the following: - money markets instruments (cheques, bills, certificate of deposits, etc) (CPC 81339**) - foreign exchange (CPC 81333) - Derivative products incl. but not limited to, futures and options (CPC 81339**) - Exchange rate and interest rate instruments, incl. products such as swaps, forward rate agreements, etc. (CPC 81339**)</p>	<p>1) Unbound 2) Unbound 3) Only through subsidiaries of foreign-established banks 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>g. Participation in all issues of all kinds of securities. Incl. under-writing and placement as agent (whether publicly or privately) and provision of service related to such issues (CPC 8132)</p>	<p>1) Unbound 2) Unbound 3) Only through subsidiaries of foreign-established banks 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>h. Money broking (CPC 81339**)</p>	<p>1) Unbound 2) Unbound 3) Only through subsidiaries of foreign-established banks 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>i. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial</p>	<p>1) Unbound 2) Unbound 3) Only through subsidiaries of foreign-</p>	<p>1) Unbound 2) Unbound 3) None</p>	

depository and trust services (CPC 81323*)	established banks 4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	
j. Settlement and clearing services for financial assets, incl.; securities, derivatives products, and other negotiable instruments (CPC 81339** or 81319**)	1) Unbound 2) Unbound 3) Only through subsidiaries of foreign-established banks 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
k. Advisory and other services on all the credit reference and analysis, portfolio research and acquisition and on restructuring and strategy (CPC 8131 or 8133)	1) Unbound 2) Unbound 3) Only through subsidiaries of foreign-established banks 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
l. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131)	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section	
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
A) Hotels and restaurants (incl. catering) (CPC 641-643)	1) None 2) None 3) None 4) Unbound except as	1) None 2) None 3) None 4) Unbound except as	

	indicated in the horizontal section	indicated in the horizontal section	
B) Travel agencies and Tour operators services C) (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	
D) Tourist guides services E) (CPC 7472)	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	
F) Other Tourism Services 1. Diving services 2. Sport Fishing	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	
Recreational Services			
1. Entertainment Services (CPC 9619) 2. Libraries, archives, museums and other cultural services (CPC 963)	1) None 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section	1) None 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section	
EDUCATION SERVICES			
Other education services only			
Tourism Training Institutes	1) Unbound 2) None 3) None 4) Unbound except as	1) Unbound 2) None 3) None 4) Unbound except as	

	indicated in the horizontal section	indicated in the horizontal section	
TRANSPORT SERVICES			
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A) <u>Internal Waterways Transport</u> Passenger transportation Including cruise ships for tourism (CPC 7221)	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	
Freight transportation (CPC 7222)	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	
Rental of vessels with crew (CPC 7223)	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	
Maintenance and repair of vessels (CPC 8868**))	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	1) None	

Pushing and towing services (CPC 7224)	2) None 3) None 4) Unbound except as indicated in the horizontal section	2) None 3) None 4) Unbound except as indicated in the horizontal section	
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Supporting services for internal waterway transport (CPC 745**)	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	
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B) <u>Rail Transport Services</u>			
Passenger transportation (CPC 7111)	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	
Freight transportation (CPC 7112)	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	

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Pushing and towing services (CPC 7113)	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	
Maintenance and repair of rail transport equipment (CPC 8868**)	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	
Supporting services for rail transport services (CPC 743)	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) <u>Road Transport Services</u> Passenger transportation (CPC 7121+7122)	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	
Freight transportation (CPC 7123)	1) Unbound 2) None 3) None 4) Unbound except	1) Unbound 2) None 3) None 4) Unbound except as	

	as indicated in the horizontal section	indicated in the horizontal section	
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Rental of commercial vehicles with operator (CPC 7124)	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	
Maintenance and repair of road transport equipment (CPC 6112 +8867)	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	
Supporting services for road transport services (CPC 744)	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) <u>Pipeline Transport</u>			
Transportation of fuels	1) None 2) None 3) None	1) None 2) None 3) None	

(CPC 7131)	4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	
Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Transportation of other goods (CPC 7139)	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) Services auxiliary to all modes of transport Cargo-handling services (CPC 741)	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	
Storage and warehouse services (CPC 742)	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	

Freight transport agency services (CPC 748)	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	
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COMESA TRADE IN SERVICES

MAURITIUS

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
I.HORIZONTAL COMMITMENTS			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) Foreign service suppliers need to incorporate/register in Mauritius,</p>		
	<p>4) Unbound except for measures concerning the entry and temporary stay of natural persons in the following categories:</p> <p>(a) <u>Business visitors</u> Persons who visit Mauritius temporarily for the purposes specified in (i)- (iv) below</p> <p>(i) For the sale of services or entering into agreements for such sales for that services supplier (Service Seller) and/or</p> <p>(ii) Employees of a juridical person for the purpose of setting up a commercial presence of that juridical person in Mauritius</p> <p>(iii) Persons participating in business meetings</p> <p>(iv) Persons engaged in installing machinery of providing after-sale services of machinery under the conditions of the purchase of the</p>	<p>4) Unbound, except for measures concerning the entry and temporary stay of natural persons referred to in the Market Access column</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
	<p>machinery.</p> <p>Access is subject to the condition that representatives of such services suppliers or employees of such juridical persons</p> <ul style="list-style-type: none"> • will not be engaged in making direct sales to the general public or in supplying services themselves • will not receive any remuneration from a source located within Mauritius. <p>Entry for persons in this category shall be for a period of not more than 90days every 365 day period.</p> <p><u>b) Employees of foreign services suppliers</u> Specific categories of employees listed below who are hired temporarily by a service supplier with a commercial presence in Mauritius in the context of provision of a service in Mauritius.</p> <p>(i) Managers are: Persons who direct a branch office or one or more departments as their head, or supervise or control the work of other supervisory, professional or managerial personnel and have the authority to appoint or remove the personnel and powers to exercise discretionary authority over day-to-day operations</p> <p>(ii) Executives are: Persons who are in senior positions within a juridical person or a branch, and who primarily direct the management, have wide decision-making powers and are either members of the board of directors or receive directions from the board or the general body of shareholders</p> <p>(iii) Specialists are: Persons who possess high qualifications and</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
	<p>knowledge at an advanced level relevant to the organization's activities or of the organization's research, equipment, techniques or management and may include persons who are members of accredited professional bodies.</p> <p>Entry for persons in the above categories shall be granted, for an initial period of 3 years, which may be extended subject to the terms of operation of the entity in Mauritius.</p> <p><u>(c) Contractual Service Suppliers – Employees of juridical persons</u></p> <p>(i) Employees of a foreign based company or partnership who travel to Mauritius <i>temporarily</i> for short periods of stay of up to one year in order to perform a service pursuant to a contract between their employer and a client(s) located in Mauritius where the employer does not have an affiliate office and where remuneration must be paid solely to the employer and</p> <p>(ii) Employees of a foreign based company or partnership who travel to Mauritius <i>temporarily</i> for short periods of stay of up to one year in order to fulfil qualification and licensing requirements where presence in Mauritius is an essential condition for the fulfilment of these requirements</p> <p>Access shall be available under this category only in the specific service sector in which contract has been entered into and employees should have appropriate educational and professional qualifications relevant to the services to be provided</p> <p><u>(d) Independent professionals :</u></p> <p>(i) Natural persons who travel to Mauritius</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
	<p><i>temporarily</i> for short periods of stayup to twelve months <i>with permission for extending for a maximum of three months</i> in order to perform a service pursuant to a contract(s) between them and a client(s) located in Mauritius for which he or she possesses the necessary academic credentials and qualifications and has obtained, wherever necessary, registration with the professional body and remuneration is to be paid solely to the natural person; and</p> <p>Access shall be available under this category only in the specific service sector in which contract has been entered into.</p>		
II. SECTOR-SPECIFIC COMMITMENTS			
COMMUNICATION SERVICES			
B: Courier Services (CPC 7512) Courier services refers to individualised and time-sensitive service of accepting, conveying and distributing documents and goods on a door to door basis	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitment	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitment	
C: Telecommunications Services (a) Voice telephone services (CPC 7521)	1) None. 2) None 3 License for a new mobile and fixed line service supplier based on an Economic Needs Test ¹ . 4) Unbound except as listed under horizontal	1) None 2) None 3) None. 4) Unbound except as listed under horizontal	Mauritius undertakes additional commitments on basic telecommunication services as set out in the attached reference paper hereto.

¹ for Telecom Services to qualify the ENT as follows: Sources of fund, size of the market, Scarcity of resources such as spectrum and telephone numbers, sustainability of business, amongst others.

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
	commitments	commitments.	
<p>((b) Packet switched data transmission services (CPC 7523**)</p> <p>(c) Circuit switched data transmission services (CPC 7523**)</p> <p>(d) Telex services (CPC 7523**)</p> <p>(e) Telegraph services (CPC 7523**)</p> <p>(f) Facsimile services (CPC 7521**+7529**)</p> <p>(g) Private leased circuit services (CPC 7522**+7523**)</p> <p>(h) Electronic Mail (CPC 7523**)</p> <p>(i) Voice Mail (CPC 7523**)</p> <p>(j) Online information and data base retrieval (CPC 7523**)</p> <p>(k) Electronic Data Interchange (CPC 7523**)</p> <p>l) Enhanced/ value added facsimile services, incl store and forward, store and retrieve (CPC 7523**)</p> <p>(m) Code and protocol conversion</p> <p>(n) On-line information and/or data processing (incl transaction processing) (CPC 843**)</p> <p>(o) Others</p> <p>(i) Paging</p> <p>(ii) Private Mobile Radio</p> <p>(iii) Equipment rental services</p> <p>(iv) Equipment sales services</p> <p>(v) Equipment</p>	<p>1) none.</p> <p>2) None</p> <p>3) None, except for mobile satellite based services which has a licensing requirement</p> <p>4) Unbound except as listed under horizontal commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None.</p> <p>4) Unbound except as listed under horizontal commitments</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
(vi) maintenance services Mobile services (satellite-based)			

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
FINANCIAL SERVICES			
A. <u>All Insurance and Insurance-Related Services</u>			
(a) Direct Insurance Life (CPC 81211)	<p>1) Non-resident service suppliers cannot solicit business or conduct active marketing in Mauritius without being licensed by Mauritian Authorities.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated 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>	
Direct Non-life Insurance (CPC 8129)	<p>1) Companies must be incorporated/registered in Mauritius and licensed for General insurance business.</p> <p>2) None, except for insurance of assets situated in Mauritius and insurances which are compulsory in Mauritius including compulsory Third Party Insurance.</p> <p>3) None</p> <p>4) Unbound, except as indicated 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>	
(b) Re-insurance and	1),2),3) None except for compulsory	1),2),3) None	

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
retrocession (CPC 81299*)	reinsurance of at least 5% to be placed with African Reinsurance Corporation. 4) Unbound, except as indicated in the horizontal commitments.	4) Unbound, except as indicated in the horizontal commitments.	
(c) Insurance Intermediation comprising (i) Agents	1) Companies incorporated/registered in Mauritius and individuals, must be licensed as Insurance Agents. Insurance Agents must have commercial presence and act only for insurers licensed in Mauritius. 2) None, except for insurance of assets situated in Mauritius and insurances which are compulsory in Mauritius including compulsory Third Party Insurance 3) Insurance Agents must act only for insurers licensed in Mauritius 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(ii) Brokers	Non-resident service suppliers cannot solicit business or conduct active marketing in Mauritius without being licensed by Mauritian Authorities. 1) None, except for insurance of assets situated in Mauritius and insurances which are compulsory in Mauritius including compulsory Third Party Insurance. 2) None 3) Unbound, except as indicated in the horizontal commitments	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	

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
(d) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services CPC (81404)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
Average and loss adjustment Services (CPC 81403)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	
Salvage Administration Services (CPC 81405)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	
B. <u>Banking and Other Financial Services(excluding insurance)</u>			
(a) Acceptance of deposits and other repayable funds from the public (CPC 81115 –81119)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(b) Lending of all types (excluding factoring and specialized and structured products) CPC 8113	1) None 2) None 3) None, 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(c) Financial Leasing (CPC 8112)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	

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
(d) All payment and money transmission services, including credit, charge and credit cards, travellers cheques and bankers drafts. (CPC 81339)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(e) Guarantees and commitments (CPC 81199**)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(f) Trading for own account or for account of customers in the following only: - money market instruments (including cheques, bills, certificates of deposits) (CPC 81339**) - transferable securities(CPC 81321*) - foreign exchange(CPC 81333)	1) None 2) None 3) None, 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(g) 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	1) None 2) None 3) None, 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	

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
h) Money Broking (CPC 81339**)	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	
i) Asset Management, such as cash or portfolio management, all forms of collective investment management, custodial depository and trust services (excluding pension fund management) (CPC 81323*)	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	
(j) Settlement and clearing services for the following: (i) Inter-bank transactions	1) Unbound 2) None 3) None, except that inter-bank transactions are to be cleared through the Central Bank 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	
(ii) securities	1) Unbound. 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	
k . Advisory and auxiliary to financial intermediation - Loan broking services CPC 81331 - Financial consultancy services (CPC 81332)	1) Unbound. 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	1) Unbound. 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	

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
(h) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services	1) Unbound 2) None 3) None, 4) Unbound, except as indicated in the horizontal commitment	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment	
TOURISM SERVICES (1) Hotel Services CPC 641	1) None 2) None 3) None 4) Foreign establishment must be staffed predominantly by Mauritians except for scarcity areas	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(2) Restaurant Services (CPC 642 + 643)	1) None 2) None 3) Priority will be given to innovative projects and new cuisines 4) Foreign establishments must be staffed predominantly by Mauritians except for scarcity areas	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(3) Travel Agencies and Tour Operator Services (CPC 74710)	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.	
(5) Tourist guides services CPC 7472	1) None 2) None 3) None 4) Allowed only in linguistic scarcity areas.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section and market access column	

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
(6) Tourist Transport Operation (car rental)CPC 83101	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.	
(7) Yacht Chartering and Cruising Services (CPC 96499**)	1) None 2) None 3) New licences only for innovative services 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) Foreign services suppliers must have a minimum investment of Rs. 10 million 4) Unbound except as indicated in the horizontal section .	
(8) Tourist Duty-Free Shops	1) None 2) None 3) Foreign equity participation limited to 30 per cent 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(9) Circus, amusement parks and similar attractions (CPC 96194)	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	
Recreational park	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	

11. TRANSPORT SERVICES

A. Maritime Transport Services

Subsidies limited to nationals only

To supply the service through commercial presence, companies have to be incorporated in Mauritius

a., b, Passenger and Freight Transport (CPC 7211 and 7222)(except Cabotage)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal commitments	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal commitments	
Maintenance and repair of vessels (8868**)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	
c. Rental of vessels with crew (CPC 7213)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal commitments	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal commitments	
<u>Air Transport Services</u>			
a) Computer Reservation System (CRS)as defined in the GATS Annex on Air Transport Services	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments	
b) Maintenance and repair aircraft as defined in the GATS Annex on Air Transport Services	1) None 2) None 3) None 4)Unbound except as indicated in the Horizontal Commitments.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments	
c) Selling and marketing of air transport services as defined in the GATS Annex on Air Transport Services	1) None 2)None 3) Service must be provided through an Agent for non-BASA countries. 4) Unbound except as indicated in the	1) None 2)None 3) None 4) Unbound except as indicated in the horizontal	

	horizontal commitments	commitments	
SERVICES AUXILIARY TO ALL MODES OF TRANSPORT b. Storage and warehousing services CPC 742	1) Unbound* 2) None 3) None 4) Unbound except indicated in the horizontal commitments.	1) Unbound 2) None 3) None 4) Unbound except indicated in the horizontal commitments	
Freight Transport agency services CPC 748	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal commitments	1) None 2) None 3) None 4) Unbound except indicated in the horizontal commitments	
Other auxiliary services (CPC 749)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	

REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) Are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) Cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) Control over essential facilities; or
- (b) Use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) Engaging in anti-competitive cross-subsidization;
- (b) Using information obtained from competitors with anti-competitive results; and
- (c) Not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) Under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like

services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;

(b) In a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and

(c) Upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

(a) At any time or

(b) After a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

(a) All the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and

(b) The terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic

telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

Note: Sudatel is considered to be the major supplier

Economic tests and standards for companies licensed :

UGANDA’S OFFER FOR COMESA TRADE IN SERVICES NEGOTIATIONS

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
I. HORIZONTAL COMMITMENTS			
All sectors included in this schedule	<p>3) Commercial presence requires that foreign services providers incorporate or register the business locally/ foreign services suppliers need to incorporate or register in Uganda</p> <p>4) Unbound, except for measures affecting the entry and temporary stay of natural persons in the following categories:</p> <p>(A) <u>Business Visitors</u></p> <p>Persons who visit Uganda temporarily for the purposes specified in (i)-(iv) below:</p> <p>(i) For the sale of services or entering into agreements for such sales for that services supplier</p>	<p>4) None for Business Visitors, Intra-Corporate Transferees, Contractual Services Suppliers and Independent Professional Services Suppliers.</p>	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(Service Seller) and/or</p> <p>(ii) Employees of a juridical person for the purpose of setting up a commercial presence of that juridical person in Uganda. Application has to be made before such person comes to Uganda</p> <p>(iii) Persons participating in business meetings</p> <p>(iv) Persons engaged in installing machinery of providing after-sale services of machinery under the conditions of the purchase of the machinery.</p> <p>Access is subject to the condition that representatives of such services suppliers will not be engaged in making direct sales to the general public or in supplying services themselves</p> <ul style="list-style-type: none"> • Will not receive any 		

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>remuneration from a source located within Uganda.</p> <ul style="list-style-type: none"> • Entry for persons in this category (i-iii) shall be for a period of not more than 90 days in a Calendar Year. A special pass for 3 months and above for (iv) <p><u>(B) Intra-Corporate Transferees:</u> Personnel sent from the headquarters of a COMESA service supplier, which has established a commercial presence in Uganda and who has been previously employed by the COMESA service supplier for at least two years. Each company is allowed to bring a maximum of five expatriates under the following sub-categories: managers and specialists across the 3 categories, as defined hereunder:</p> <p style="margin-left: 40px;">a) Managers: Persons working in a senior</p>		

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>position within a juridical person, who primarily directs the management of the establishment, receiving general supervision or direction principally from the board of directors of stockholders of the business or their equivalent, include:</p> <ul style="list-style-type: none"> (i) Directing the establishment or a department or sub-division thereof; (ii) Supervising and controlling the work of other supervisory, professional or managerial employees; and (iii) Having the authority personally to recruit and dismiss or recommend recruiting, dismissing or other personnel 		

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>actions.</p> <p>b) Specialists: Persons working within a juridical person who possesses uncommon knowledge essential to the establishment's production, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the establishment, but also of whether the person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession.</p> <p><u>(C) Contractual Service</u> <u>Suppliers – Employees of juridical persons:</u></p> <p>Employees of a foreign based service supplier, who have been</p>		

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>previously employed by the service supplier for at least two year, who travel to Uganda temporarily for short periods of stay of up to six months in order to supply a service pursuant to a concluded contract between their employer and a client(s) located in Uganda prior to entry.</p> <p>Access shall be available under this category only subject to none availability of competent Ugandans and should have appropriate educational and professional qualifications relevant to the services to be provided</p> <p><u>(D) Independent professionals:</u> (i) Natural persons who travel to Uganda temporarily for short periods of stay up to six/ months to perform a service pursuant to a contract(s) between them and a client(s) located in Uganda for which he or she possesses the necessary academic credentials</p>		

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	and qualifications and has obtained registration with the professional body and remuneration is to be paid solely to the natural person; and access shall be available under this category subject to none availability of competent Ugandans.		
II. SECTOR SPECIFIC COMMITMENTS			
COMMUNICATION SERVICES			
A. Postal Services (CPC 7511) and Courier Services (CPC 7512)	<ol style="list-style-type: none"> 1) None 2) None 3) None, except for Uganda Post Limited (trading as Posta Uganda) that has exclusive rights to provide and issue postage stamps, pre-stamped envelopes, aerogrammes, and international reply coupons; rent and leasing of post boxes; and deliver letters weighing up to 350 g 4) Unbound, except as indicated 	<ol style="list-style-type: none"> 1) None 2) None 3) Unbound, except as indicated in the horizontal section 	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	in the horizontal section		
C. Telecommunication services (All telecommunication services, as set out in W/120)	1) None 2) None 3) None, except for: a) Availability of spectrum which is a finite resource b) Mobile Service Telephone Operators entry is allowed only through acquisition of existing local entities; 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. Audiovisual services (CPC 9611-9613)	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	
FINANCIAL SERVICES			
A. INSURANCE SERVICES			
a. Life, Accident and Health insurance services (CPC 8121)	1) None 2) None 3) None except for; Joint venture with Local operators (51% for foreigners and 49%	1) None 2) None 3) Training of locals is a requirement 4) None, except as indicated in	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>for local content) and training of locals is a requirement</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>the horizontal section</p>	
b. Non-life insurance services (CPC8129)	<p>1) None</p> <p>2) None</p> <p>3) None except for; Joint venture with Local operators (51% for foreigners and 49% for local content) and training of locals is a requirement</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Training of locals is a requirement</p> <p>4) Unbound, except as indicated in the horizontal section</p>	
c. Reinsurance and retrocession (CPC 81299*)	<p>1) None</p> <p>2) None</p> <p>3) None except for: mandatory reinsurance must be placed with Zep Re 10%, Africa Re 5%, and Uganda Re 15%; retrocession must be placed with Zep Re 10%, Africa Re 5%.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Training of locals is a requirement</p> <p>4) Unbound, except as indicated in the horizontal section</p>	
d. Services auxiliary to insurance (CPC 8140)	<p>1) None</p> <p>2) None</p> <p>3) None except as in HC</p>	<p>1) None</p> <p>2) None</p> <p>3) Training of locals is a</p>	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Unbound, except as indicated in the horizontal section	requirement 4) Unbound, except as indicated in the horizontal section	
B. Banking and other financial services			
All banking and other financial services excluding Insurance (a-l) with their relevant CPCs	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	
TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel and Restaurants, including catering (CPC 641-643) and excluding investment zones where Government has granted concessions to Hotels each with a radius of 25 Kilometers for 30 years	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 agencies and tour operators services (CPC 74721)	1) None 2) None 3) None, except foreign companies are required to have joint ventures with the local operators	1) None 2) None 3) None	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
C. Tourist guide services (CPC 74712)	1) None 2) None 3) Unbound except for; Joint venture with Local operators and training of locals is a requirement 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
TRANSPORT SERVICES			
B. Internal Waterways Transport			
Internal Waterways Transport Services (CPC 7221-24, 8868**, 745**)	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. Air Transport Services			
Air Transport Services (CPC 731, 732, 734, 746 and 8868**)	1) None 2) None 3) None 4) Unbound, except as indicated	1) None 2) None 3) None 4) Unbound, except as indicated	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	in the horizontal section	in the horizontal section	
E. Rail Transport Services			
Rail Transport Services (CPC 7111-7113, 8868** and 743)	1) None 2) None 3) None, except for; (Mombasa to Kampala route) where Government has granted concession to Rift Valley Railways Company Limited 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
F. Road Transport Services			
Road Transport (CPC 7121-24, 6112, 8867 and 744)	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	
G. Pipeline Transport Services			
Pipeline Transport (CPC 7131 and 7139)	1) None 2) None 3) Unbound 4) Unbound, except as indicated	1) None 2) None 3) None 4) Unbound, except as indicated	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	in the horizontal section	in the horizontal section	

**THE REPUBLIC OF SEYCHELLES COMESA
2ND REVISED OFFER ON SPECIFIC COMMITMENTS ON
TRADE IN SERVICES**

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
The (**) indicates that the service specified constitutes only part of the total range of activities covered by CPC concordance (as indicated in MTN.GNS/W/120)			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(4) Unbound, except <u>for</u> measures relating to entry and temporary stay of natural persons <u>of a COMESA member state</u> who fall in one of the following categories: (a) Business Visitors: Persons not based in Seychelles who are representatives of business carrying on activities in COMESA member States and who are seeking temporary entry into Seychelles for the purpose of: (i) Negotiating for the sale of the services of that business; (ii) Entering into agreements to sell services for that business; (iii) Participating in business meetings or preparing for the establishment of a commercial presence, where those representatives will not be engaged	(1), (2), (3), (4) subsidies is unbound. (3) Leasing of land to foreign enterprises and any extensions thereof ¹requires Government approval. Unbound for land acquisitions <u>3) Foreign services suppliers may lease/rent non-movable property for up to two years without requiring sanction from government. Two -yearly extensions beyond that also do not require government sanctions.- Foreign service suppliers may also lease/rent non movable property for longer terms, up to 99 years, subject to sanction from the government.</u> <u>Such sanction shall be granted unless the applicant is involved in money laundering, financing of terrorism, has been convicted of a serious crime, has links to organized crime or terrorist organizations .</u> <u>Or</u> <u>The use of land is not in line with the land use plan of the particular area.</u> <u>Foreigners may also acquire freehold land held in private ownership on inner island² subject to government sanction.</u>	

¹The term an extension thereof refers to possible renewals or extensions in the duration of the lease, that is any increase in the duration of the original lease agreement, is subjected to Government approval.

² Inner islands: Mahe, Praslin, La-Digue, Silhouette, Cerf and St Anne island

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>in making direct sales to the general public:</p> <p>(iv) Conducting market research in relation to a service or services rendered by juridical persons not based in Seychelles;</p> <p>(v) Represents a foreign shareholder(s) of a company based in Seychelles for the duration of the Annual General Meeting (AGM).</p>	<p>(4) Unbound except for measures concerning the categories of natural persons referred to in the Market Access.</p>	
	<p>Entry and stay of such persons shall be for a period no more than 90 days.</p> <p>(b) <u>Intra-corporate transferees (ICT)</u>: Shall mean managers, executives and specialists, as defined hereunder, of an foreign enterprise of a COMESA Member State which has established a commercial presence in the territory of Seychelles, being transferred temporarily to that commercial presence and who have been previously employed by the foreign enterprise for at least one year.</p> <p><u>Managers</u>: Persons within an organization who primarily:</p> <p>(i) Directs the organization, or a department or sub- division of the organization.</p> <p>(ii) Supervises and controls the work of other supervisory, professional or managerial employees.</p> <p>(iii) Has the authority to hire and fire or recommend hiring, professional or managerial employees.</p> <p>(iv) Exercises discretionary authority over day to day operations.</p> <p><u>Executives</u>: Natural persons within the organization who primarily direct the management of the organization or a</p>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>major component or function of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business.</p> <p>Executives would not directly perform tasks related to the actual provision of a service or services of the organisation.</p> <p>Specialists: Natural persons in the organization who possess knowledge at an advanced level of expertise and a proprietary knowledge of the entity's products, services, operations or management techniques. This knowledge should reflect the required academic credentials and professional qualifications for performing work within the scope of a particular profession.</p> <p>Entry and stay shall be for a period no more than 180 days.</p> <p><u>Entry and stay shall be for a period of two year, which may be renewed.</u></p> <p>(c) Contractual services suppliers: Contractual service suppliers are employees of juridical persons <u>of a COMESA Member State</u> with no commercial presence in Seychelles, which have obtained a service contract in Seychelles requiring the presence of their employees in order to fulfil the contract.</p> <p>Currently entry of such persons is only allowed in the following sector and sub-sectors and entry stay shall be for a period no more than 180 days:</p>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> - Legal advisory on foreign and International law services (CPC 861**) - Accounting and bookkeeping services, excluding Auditing services(CPC 862**) - Architectural services (CPC 8671) - Environmental services (CPC 94010, 94020, 9405,) - Urban Planning and landscape architectural services (CPC 8674) - Engineering services (CPC 8672) - Integrated engineering services (CPC 8673) - Primary, Secondary education services (CPC 92110, 92190, 92220, 		
	<p>92230, 92240, 92310,</p> <ul style="list-style-type: none"> - Medical & Dental services (CPC 93122, 93123) - Veterinary services (CPC 932) <p>(d) <u>Independent Professionals:</u> shall mean natural persons who are self-employed and based in the territory of another member and who supply services as part of a service contract with a juridical person in Seychelles. For the following sectors and sub-sectors entry and stay shall be for a period no more than 180 days:</p> <ul style="list-style-type: none"> - Computer & related services (CPC 841-845 + 849) - Banking and other financial services (excluding insurance services) (CPC 8111 - 81119, 8112, 8113, 81199, 8131 – 8133) - Tour Operator services (CPC 7471) - Hotels and restaurants (incl. catering) (CPC 641 - 643) - Primary and secondary education services (CPC 92110, 92190, 92220, 92230, 92240, 92310) - Medical and dental services (CPC 93122, 		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	93123) - Services provided by midwives, nurses, physiotherapists and Para-medical personnel (CPC 93191) (e) <u>Installers and maintainers</u> Qualified specialists supplying installation on or maintenance services for industrial machinery or industrial equipment. The supply of that service has to occur on a fee or contractual basis (installation/ maintenance contract) between the builder of the machinery or equipment and the owner of that machinery or equipment, both being juridical persons. Temporary entry is granted for periods of stay of no more than 90 days.		
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. PROFESSIONAL SERVICES			
(a) Legal Services (CPC 861**) - (limited to Legal advisory services on foreign and International law-services)	(1) None. (2) None. (3) None. Legal advisory on International law services can only be provided through sole proprietorships and partnerships. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(b) Accounting and bookkeeping Services - Accounting review services (CPC 86212) - Compilation of financial statements services (CPC 86213) - Book-keeping services, except tax returns (CPC 86220)	(1) None need to be provided by a member of any internationally recognized Institute of Accountants. None (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. Need to be provided by a member of any internationally recognized Institute of Accountants. None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
- Auditing Services (CPC 86211)	(1) None. None, except official audit reports must be confirmed by an auditor or auditing firm in Seychelles. (2) Unbound. None (3) None. Auditing services can only be provided to company with turnover exceeding five million Seychelles Rs.	(1) None. Unbound. None, except official audit reports must be confirmed by an auditor or auditing firm in Seychelles. (2) Unbound. None. (3) None. Auditing services can only be provided to companies with turnover exceeding five million Seychelles Rs. None.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person				
Sectors and sub-sectors	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
	(4)	Unbound, except as indicated in the horizontal commitments.	(4) Unbound, except as indicated in the horizontal commitments.	
(c) Taxation Services - Business tax planning and consulting Services (CPC 86301)	(1)	None. None need to be provided by a member of any internationally recognized Institute of Taxation.	(1) None. Need to be provided by a member of any internationally recognized Institute of Taxation. None.	
	(2)	None.	(2) None.	
	(3)	None.	(3) None.	
	(4)	Unbound, except as indicated in the horizontal commitments.	(4) Unbound, except as indicated in the horizontal commitments.	
- Business tax preparation and review services (CPC 86302)	(1)	None, need to be provided by a member of any internationally recognized Institute of Taxation. None.	(1) None. None. Need to be provided by a member of any internationally recognized Institute of Taxation.	
	(2)	None.	(2) None.	
	(3)	None. Business tax preparation and review services can only be provided to company with turnover exceeding five million Seychelles Rs.	(3) None. None. Business tax preparation and review services can only be provided to company with turnover exceeding five million Seychelles Rs.	
	(4)	Unbound, except as indicated in the horizontal commitments.	(4) Unbound, except as indicated in the horizontal commitments.	
- Individual tax preparation and planning services (CPC 86303)	(1)	None, need to be provided by a member of any internationally recognized Institute of Taxation.	(1) None. None. Need to be provided by a member of any internationally recognized Institute of Taxation.	
	(2)	None.	(2) None.	
	(3)	None. Individual tax preparation and planning services can only be provided to company with turnover exceeding five million Seychelles Rs.	(3) None. None. Individual tax preparation and planning services can only be provided to company with turnover exceeding five million Seychelles Rs.	
	(4)	Unbound, except as indicated in the horizontal commitments.	(4) Unbound, except as indicated in the horizontal commitments.	
- Other tax related services (CPC 86309)	(1)	None. None need to be provided by a member of any internationally recognized Institute of Taxation.	(1) None. Need to be provided by a member of any internationally recognized Institute of Taxation. None.	
	(2)	None.	(2) None.	
	(3)	None. Other tax related services can only be provided to company with turnover exceeding five million Seychelles Rs.	(3) None. Other tax related services can only be provided to company with turnover exceeding five million Seychelles Rs. None.	
	(4)	Unbound, except as indicated in the horizontal commitments.	(4) Unbound, except as indicated in the horizontal commitments.	
(d) Architectural services (CPC 8671)	(1)	None.	(1) None. Only architectural plans submitted to the Seychelles National Planning Authority by an architect registered in Seychelles will be considered for subsequent construction work.	
	(2)	None.		
	(3)	None. Foreign equity limited to 49%. At least one of the Seychelles national shareholders must be a licensed architect		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>in Seychelles.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	<p>(2) None Only architectural plans submitted to the Seychelles National Planning Authority by an architect registered in Seychelles will be considered for subsequent construction work <u>in the Seychelles.</u></p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	
(e) Engineering services (CPC 8672)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None Foreign equity limited to 49%. At least one of the Seychelles national shareholders must be a licensed engineer in Seychelles.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	<p>(1) None Only Engineering plans submitted to the Seychelles National Planning Authority by an engineer registered in Seychelles will be considered for subsequent construction work.</p> <p>(2) None Only Engineering plans submitted to the Seychelles National Planning Authority by an engineer registered in Seychelles will be considered for subsequent construction work <u>in the Seychelles.</u></p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	
(f) Integrated Engineering Services (CPC 8673)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None Foreign equity limited to 49%. At least one of the Seychelles national shareholders must be a licensed engineer in Seychelles.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	<p>(1) None Only Integrated engineering plans submitted to the Seychelles National Planning Authority by an engineer registered in Seychelles will be considered for subsequent construction work.</p> <p>(2) None Only Integrated engineering plans submitted to the Seychelles National Planning Authority by an engineer registered in Seychelles will be considered for subsequent construction work.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	
(g) Urban planning and landscape architectural services (CPC 8674)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None Foreign equity limited to 49%. At</p>	<p>(1) None Only urban planning and landscape architectural plans submitted to the Seychelles National Planning Authority</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person				
Sectors and sub-sectors	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
	least one of the Seychelles national shareholders must be a licensed architect in Seychelles. (4) Unbound except as indicated in the horizontal commitments.		by an architect registered in Seychelles will be considered for subsequent construction work. (2) Only urban planning and landscape architectural plans submitted to the Seychelles National Planning Authority by an architect registered in Seychelles will be considered for subsequent construction work. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(h) Medical and Dental Services - Specialized medical services (CPC 93122) - Dental services (CPC 93123)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.		(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(i) Veterinary Services (CPC 932)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.		(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments .	
(j) Services provided by midwives, nurses, physiotherapists and Para-medical personnel (CPC 93191)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.		(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
B. COMPUTER AND RELATED SERVICES				
(a) Consultancy services related to installation of computer hardware (CPC 84100)	(1) None. (2) None. (3) Foreign equity limited to 49% (4) Unbound, except as indicated in the horizontal commitments.		(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(b) Software implementation services (CPC 842)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.		(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(c) Data processing services (CPC 843)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the		(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	horizontal commitments.	horizontal commitments.	
(d) Database services (CPC 84400)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(e) Maintenance and repair services of office machinery and equipment including computer(CPC 84500)	(1) None. (2) None. (3) Foreign equity limited to 49% (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(f) Other - Data preparation services (CPC 84910)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
E. RENTAL/LEASING SERVICES WITHOUT OPERATORS			
(a) Relating to ships (CPC 83103)(excluding less than 3 yachts)	(1) Unbound. (2) None. (3) None, except that for 4-5 yachts foreign equity limited to 49%. (4) Unbound except as indicated in the horizontal commitments.	(1) Unbound. (2) None. (3) None. (4) Unbound except as indicated in the horizontal commitments.	
F. OTHER BUSINESS SERVICES			
(a) Advertising Services (CPC 871)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(c) Management consulting services related to energy services only (CPC 865**)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(d) Services related to management consulting related to energy services only (CPC866**)	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal commitments.	(4) Unbound, except as indicated in the horizontal commitments.	
(e) Technical testing and analysis services only for gas and oil industry (CPC8676**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments.	
(h) Services incidental to mining (CPC 883)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
(m) Related scientific and technical consulting services only for gas and oil industry (8675**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments.	
(n) Leasing and renting of household goods. (8320)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
2. COMMUNICATION SERVICES			
A. and B. Postal and Courier Services (including express delivery services)³			
Services relating to the handling ⁴ of items in accordance with the following list of sub-sectors, whether for domestic or foreign destinations.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	Same treatment will be applied to the Seychelles Post Office and Private Operators for express delivery services.

³ The commitment on postal and courier services and express delivery services applies to commercial operators of all forms of ownership, both private and state.

⁴ "Handling" should be taken to include clearance, sorting, transport and delivery.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>The sub-sectors below are excluded when they fall into the scope of the services which are reserved for the Seychelles Post Office, which are: simple letters weighting less than 500 grams, postcards.</p> <p>(i) Handling of addressed written communication on any kind of physical medium⁵, including: - Hybrid mail service - Direct mail</p> <p>(ii) Handling of addressed parcels and packages⁶</p> <p>(iii) Handling of addressed press products⁵</p> <p>(iv) Handling of items referred to in (i) to (iii) above as registered or insured mail</p> <p>(v) Express delivery services⁶ for items referred to in (i) to (iii) above</p> <p>(vi) Handling of non-addressed items</p> <p>(vii) Document exchange⁷</p> <p>(viii) Other services not elsewhere specified.</p>			
C. TELECOMMUNICATION SERVICES			
Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3).			
Basic Telecommunication Services:			
<p>(a) Voice telephone service (CPC 7521)</p> <p>(b) Packet-switched data transmission (CPC 7523*)</p> <p>(c) Circuit-switched data transmission (CPC 7523**)</p>	<p>(1) None, except that call-back services are prohibited</p> <p>(2) None, except that call-back services are prohibited.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	<p>The Republic of Seychelles undertakes the obligations contained in the attached Reference Paper with respect to provision of <u>basic</u> telecommunication services.</p>

⁵E.g. letters, postcards.

⁶ Books and catalogues are included in this subsector.

⁵Magazines, newspapers and periodicals.

⁶Express delivery services are defined as the collection, transport, and delivery of documents, printed matter, parcels, goods or other items on an expedited basis while tracking and maintaining control of these items throughout the supply of the service.

⁷Provision of means, including the supply of ad hoc premises as well as transportation by a third party, allowing self-delivery by mutual exchange of postal items between users subscribing to this service. Postal item refers to items handled by any type of commercial operator, whether public or private.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Telex services (CPC 7523*) (e) Telegraph services (CPC 7522) (f) Facsimile Services (CPC 7521** + 7529**) (g) Private leased circuit services (CPC 7522** + 7523**)	horizontal commitments.		
(o) Other: - Paging (CPC 75291) - Teleconferencing (CPC 75292)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
Value Added Services:			
(h) Electronic mail (CPC 7523**) (i) Voice Mail (CPC 7523**) (j) On-line information and data base retrieval (CPC 7523**) (k) Electronic Data Interchange (EDI) (CPC 7523**) (l) Enhanced value-added facsimile services incl. store and forward, store and retrieve (CPC 7523**) (m) Code and Protocol conversion (n) Online information and data processing (incl. Transaction processing (CPC 843**))	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	
4. Distribution services			
(c) Retailing services (CPC 631 + CPC 632)	(1)None. (2) None. (3)None, except that it will be subject to Economic Needs Test ⁷ (ENT). (4)Unbound, except as indicated in the horizontal commitments.	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
5. EDUCATIONAL SERVICES			
A. Primary education services			
Preschool education services (CPC 92110) Other primary education services (CPC 92190)	(1) None (2)None. (3)None. (4)Unbound except as indicated in the horizontal commitments.	(1)None (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	

⁷Economic needs test related to the number of suppliers, operations, value of transactions and business locations. The test would be based on the following criteria; (i) the impact on employment for Seychellois, (ii) improvement of productive infrastructure of the economy and (iii) the provision of new services.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Secondary education services			
<ul style="list-style-type: none"> - Higher secondary education services (CPC 92220) - Technical and vocational secondary services (CPC 92230) - Technical and vocational secondary school-type education services for handicapped students (CPC 92240) 	(1)None (2)None. (3)None. (4)Unbound except as indicated in the horizontal commitments.	(1) None (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments	
C. Higher education services			
<ul style="list-style-type: none"> - Post secondary technical and vocational education services (CPC 92310) 	(1)None (2) None. (3)None. (4)Unbound except as indicated in the horizontal commitments.	(1)None (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
D. Other Education Services			
<ul style="list-style-type: none"> - Other Education services (CPC 92900) -Language training -After-school courses -Educational programs offered during school breaks -Tutoring and preparatory courses 	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	(1) None (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
6. ENVIRONMENTAL SERVICES			
A. Sewage services (CPC 94010**)	(1)Unbound.	(1)Unbound.	
<ul style="list-style-type: none"> - (limited to Sewage treatment) 	(2)None.	(2)None.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(B) Refuse disposal services (CPC 94020**)</p> <p>- (limited to Disposal services by incineration)</p>	<p>(3)None, except that <u>every project and activities need to go through an Environmental Impact Assessment as required by the supply of the service establishment of new service suppliers will be subject to an economic needs test will need to be carried out by the Ministry responsible for Environment, to: An Environmental Impact Assessment Study shall contain a true statement and description of:</u></p> <p><u>(a) the location, size and scope of the project or activity and description of the original state of the environment prior to implementation of the project or activity;</u></p> <p><u>(b) the principle, concept and the purpose of the project or the activity;</u></p> <p><u>(c) the technical aspects relating to the project or the activity;</u></p> <p><u>(d) the direct or indirect effects that the activity is likely to have on the population, flora and fauna, soil, air, water, landscape, and other physical assets including historical, artistic and archaeological;</u></p> <p><u>(e) any actions or measures which may avoid, prevent, change, mitigate or remedy the likely effects of the activity or the project on the environment;</u></p> <p><u>(f) the inevitable adverse effects that the project or the activity is likely to have on the environment if it is implemented in the manner proposed by the proponent;</u></p> <p><u>(g) the irreversible and irretrievable impact on the commitments of resources which will be involved by the project or the activity;</u></p> <p><u>(h) the actions or measures proposed for compensating physically or financially for any resulting loss or damage to the environment.</u></p>	<p>(3)None.</p> <p>(4)Unbound, except as indicated in the horizontal commitments.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p><u>(i) a study of the feasible alternatives considered, including a summary of all the expected impacts;</u></p> <p><u>(j) an environmental monitoring programme;</u></p> <p><u>(k) such other information as may be necessary to a proper review of the potential environmental impact of the project or the activity.</u></p> <p>(a) Examine the current level of services;</p> <p>(b) Determine the effect of new entrants on public convenience including the continuity and quality of the services.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>		
(C). Noise abatement services (CPC 94050)	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	
7. FINANCIAL SERVICES <u>The commitments in financial services are made in accordance with the General Agreement on Trade in Services (GATS) and the Annex on Financial Services.</u>			
A. Insurance and Insurance-related Services.			
(i) Direct insurance (including co-insurance)			
(a) Life insurance services (CPC 8121)	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Non-life insurance services (CPC 8129)	(1)Unbound. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	(1)Unbound. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
(ii) Reinsurance and retrocession (CPC 81299*)	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Banking and other financial services (excluding insurance)			
(a) Acceptance of deposits and other repayable funds from the public (CPC 8111– 81119)	(1)Unbound. (2)None. (3)None.	(1)Unbound. (2)None. (3)None.	
(b) Lending of all types, including consumer credit, mortgage credit factoring and financing of commercial transaction (CPC 8113)	(4)Unbound, except as indicated in the horizontal commitments.	(4)Unbound, except as indicated in the horizontal commitments.	
(c) Financial leasing (CPC 8112)			
(d) All payment and money transmission services (CPC 81339**)			
(e) Guarantees and commitments (CPC 81199**)			
(f) Trading for own account or for account of customers whether on an exchange, in an over-the-counter market or otherwise the following:			
- money market instruments (checks, bills, certificates and deposits, etc) (CPC 81339**)			
- foreign exchange(81333)			
- derivative products including, but not limited to futures and options(81339**)			
- Exchange rate and interest rate instruments, including such as swaps, forward rate arrangements, etc.(81339**)			
- transferable securities(81321*)			
- other negotiable instruments and financial assets, including bullion(81339**)			
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of service related to such issues (CPC 8132)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Money broking (CPC 81339**) (i) Asset management, such as cash or portfolio management, all forms of collective investment management, custodial depository and trust services (CPC 8119** - 81323*)	(1)Unbound. (2)None. (3) None. (4)Unbound, except as indicated in the horizontal commitments.	(1)Unbound. (2) None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
(j) Settlement and clearing services of financial assets, including securities, derivative products, and other negotiable instruments (CPC 81339** + 81319**)	(1)Unbound. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	(1)Unbound. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
(k) Advisory and other auxiliary financial services and all activities listed in article B of MTN. TNC/W/50, including investment and portfolio research and advice on acquisitions and on corporate restructuring and strategy (CPC 8131 or CPC 8133) (l) Provision and transfer of financial information, and financial data processing related software by providers of other financial services (CPC 8131)	(1)Unbound. (2)None. (3)None, except that credit reference and analysis will be allowed for foreign suppliers after two years of Seychelles accession. (4)Unbound, except as indicated in the horizontal commitments.	(1)Unbound. (2)None. (3) None. (4)Unbound, except as indicated in the horizontal commitments.	
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital services			
(a) Hospital services, including hospital management services (93110)	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
B. Other human health services			
- Ambulance services (CPC 93192) - Residential health facilities services other than hospital services (CPC 93193) - Other human health services) including services in the field of :	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
morphological or chemical pathology, bacteriological, virology, immunology (CPC 93199**)			
C. Social services			
- Welfare services delivered through residential institutions to children and other clients (CPC 93312) - Other social services with accommodation (CPC 93319)	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
9. TOURISM AND TRAVEL-RELATED SERVICES			
A. Hotels and restaurants (including catering)			
- Hotels and other lodging services (CPC 64110) (excluding establishment with less than 15 units)	(1)None, for reservation services only (2)None. (3)None, except that <u>for</u> hotel establishments with 16-24 units (excluding staff – Quarters) located on Mahe, Praslin, La Digue, Silhouette, Cerf and St Anne island, foreign equity <u>is</u> limited to 80%. (4)Unbound, except as indicated in the horizontal commitments.	(1) None (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
- Letting services of furnished accommodation for long term stay only (excluding units and boarding houses and cabins (CPC 64193) (excluding establishment with less than 15 units)	(1)None, for reservation services only (2) None. (3)None, except that <u>for</u> hotel establishments with 16-24 units (excluding staff – Quarters) located on Mahe, Praslin, La Digue, Silhouette, Cerf and St Anne island, foreign equity <u>is</u> limited to 80%. (4)Unbound, except as indicated in the horizontal commitments.	(1)None (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
- Restaurants (CPC 64210) excluding restaurant with less than 21⁸ covers	(1)Unbound. (2)None. (3)None, except that for investments in restaurants and bars (CPC 642 and 643 with less than 21 covers, foreign equity is limited to 49% (4)Unbound, except as indicated in the horizontal commitments.	(1)Unbound. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	

⁸ Table setting for one person

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Motel lodging services (CPC 6412) (excluding establishments with less than 15 units)	(1)None, for reservation services only (2)None. (3)None. except that <u>for</u> hotel establishments with 16-24 units (excluding staff – Quarters) located on Mahe, Praslin, La Digue, Silhouette, Cerf and St Anne island, foreign equity <u>is</u> limited to 80%. (4)Unbound, except as indicated in the horizontal commitments.	(1) None (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
B. Travel agencies and tour operators services			
Tour operator services (CPC 7471) ⁹ (excluding travel agents)	(1)None. (2)None. (3)None, except that foreign equity limited to 49%. (4)Unbound, except as indicated in the horizontal commitments.	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
10. RECREATIONAL , CULTURAL AND SPORTING SERVICES			
A. Entertainment services (including theatre, live bands and circus services)			
- Theatrical producer, singer group, band and orchestra entertainment services (CPC 96191) - Services provided by authors, composers, sculptors , entertainers and other individual artists (CPC 96192) - Circus, amusement park and similar attraction services (CPC 96194) - Ballroom , discotheque and dance instructor services (CPC 96195)	(1)Unbound. (2)None. (3)None. (4)Unbound except as indicated in the horizontal Commitments.	(1)Unbound. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
C. Libraries, archives, museums and other cultural services			
Libraries-Library services (CPC 96311) (excluding all services provided by the Seychelles National Library.	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	(1) None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	

⁹Means persons carrying on a business of planning, scheduling or organizing of tours which include arrangements for accommodation, sightseeing or other similar services by any mode of transport.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
11. Transport Services			
Maritime Transport Services			
(a) Maintenance and repair of vessels (8868**) excluding vessels below 60 metres in length)	(1)None (2)None (3)None, except that foreign equity limited to 49% (4)Unbound, except as indicated in the horizontal commitments.	(1)None (2)None (3)None (4)Unbound, except as indicated in the horizontal commitments.	
(b) Vessel salvage and refloating services (7454)	(1)None (2)None (3)None, except that foreign equity limited to 49% (4)Unbound, except as indicated in the horizontal commitments.	(1)None (2)None (3)None (4)Unbound, except as indicated in the horizontal commitments.	

LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or sub-sector	Description of the measure indicating its inconsistency with Article II	Country or countries to which the measures apply	Intended duration	Conditions creating the need for the exemption
All sectors Commercial presence	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed or will sign bilateral investment treaties with Seychelles.	Indefinite	Foster investment in Seychelles.
Movement of natural persons	Measures extending preferential treatment to the movement of natural persons.	All countries that have signed or will sign such agreements with Seychelles.	Indefinite	To strengthen economic cooperation and enhance technical assistance between the Seychelles and countries which are signatories to these agreements.

REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) Are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) Cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) Control over essential facilities; or
- (b) Use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) Engaging in anti-competitive cross-subsidization;
- (b) Using information obtained from competitors with anti-competitive results; and
- (c) Not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) Under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) In a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and

- (c) Upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) At any time; or
(b) After a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) All the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
(b) The terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

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Sudan's schedule of specific commitments: COMESA Trade in Services

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
1. Horizontal commitments			

<p>All sectors included in this schedule</p>	<p>3) It is required that foreign service providers legally incorporate Business locally according to the legal incorporations allowed by each sector.</p> <p>4) Unbound, except for; Intra-corporate transferees: personnel sent from the headquarters in the home country to temporary work in a subsidiary in Sudan. Each company is allowed to bring a maximum of five expatriates. They must have at least two-year prior employment in the home country. Allowed to stay for period of five years with possibility of extension.</p> <p>Business Visitors</p> <p>Personnel employed by a service company establish another COMESA Member state that enters Sudan to conduct business meetings establishment. Cannot be engaged in the direct provision of services. Entry allowed for up to 90 days in a calendar year.</p>		
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TRANSPORT SERVICES

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS	ELIMINATION DATE
A. Maritime Transport Services				
Maritime transport services (CPC 7211-7214,8868**,745**)	1) Unbound 2) Unbound 3) Foreign equity not to exceed 49% 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section		
B. Internal Waterways Transport Service				
Internal Waterways Transport Service (CPC7221, 7222, 7223,7224,8868**,745**)	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		

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS	ELIMINATION DATE
C. Air Transport Services				
Air Transport Service (CPC 731, 732, 734, 746, and 8868)	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		
D. Rail Transport Services				
Rail Transport (CPC 7111-7113, 8868**) And 743)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section. Intra-corporation transferees cannot exceed 25% the employees of foreign supplier	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal		
E. Road Transport Service				
Road Transport (CPC 7121-24, 6112, 8867 and 744)	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		

11. SECTOR COMMITMENTS				
SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS	ELIMINATION DATE
Tourism and Travel Related Services				
A. Hotel and restaurants, including catering (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 agencies and tour operators (CPC 7471)	1) None 2) None 3) Tourism agency only with Sudanese partner. 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 guide services (CPC 7472)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound		

		section	
Communication Services			
B. Courier Services (CPC 7512)	<p>a. Universal Service:</p> <ol style="list-style-type: none"> 1) unbound 2) unbound 3) unbound 4) Unbound. <p>b. Express Mail:</p> <ol style="list-style-type: none"> 1) None, the service provider should be licensed by the regulatory authority. 2) None 3) None, the service provider should be licensed from the regulatory authority. 4) Unbound, except as indicated in the Horizontal Section. 	<p>a.</p> <ol style="list-style-type: none"> 1) unbound 2) unbound 3) unbound 4) Unbound <p>b. Express Mail:</p> <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in the Horizontal Section 	<p>Universal service include: Sudapost has exclusivity for 10 years (2022)</p> <p>express mail includes: parcels, mail above 2 kilos</p>
D. Basic Telecommunication Services			
<p>a) Voice telephone services (CPC 7512)</p> <p>b) Packet-switched data transmission services (CPC 7523**)</p> <p>c) Circuit-switched data transmission services (CPC 7525**)</p> <p>g) Private leased circuit services (CPC)</p> <p>Value –added services</p> <p>d) Telex services (CPC 7523**)</p>	<ol style="list-style-type: none"> 1) None. 2) None. 3) None except an economic test is required 4) Unbound, except as indicated in the Horizontal section. 	<ol style="list-style-type: none"> 1) None. 2) None. 3) None 4) Unbound, as indicated in the Horizontal section. 	<p>Sudan undertakes the obligations contained in the Reference paper attached.</p> <p>The Telecom market id reviewed every three years by the Telecom Regulatory Authority NTC</p>

<p>e) Telegraph services (CPC 7522**)</p> <p>f) Facsimile services (CPC 7521**+7529**)</p> <p>h) Electronic mail (CPC 7523**)</p> <p>i) Voice mail (CPC 7523**)</p> <p>j) On-line information and data base retrieval (CPC 7523**)</p> <p>k) Electronic data interchange (EDI) (CPC 7523**)</p> <p>l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (CPC 7523**)</p> <p>m) Code and protocol conversion (N.A.).</p> <p>n) On-line information and/or data processing (including transaction processing) (CPC 843**)</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>Other</p> <p>1) Cellular mobile services voice and data. 7523**,</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None except an economic test is required.</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>2) Global mobile personal communications by satellite (GMPC)</p>	<p>1) None.</p> <p>2) None.</p>	<p>1) None.</p> <p>2) None.</p>	

(75213**)	3) None 4) Unbound, except as indicated in the Horizontal section.	3) None. 4) Unbound, except as indicated in the Horizontal section.	
3) Value Added Services and ISPs	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.	

The telecom market is reviewed every three years by the telecom regulatory authority NTC.

SLA with the licensed main operators (attached is the term of licensed for the national telecommunications corporation .

THE BANKING SECTOR

Modes of supply: 1/cross-border 2/consumption abroad 3/commercial presence 4/presence of natural persons

The services categories	Limitations on market access	Limitations on national treatment	Additional commitments
<ol style="list-style-type: none"> 1. Accepting of deposits and other repayable funds from the public (CPC 81115 to 81119) 2. Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113) 3. Financial leasing (CPC 8112) 4. All payments and money transmission services, including credit, charge and debit cards, travelers cheques and bank drafts (CPC 81339+) 5. Guarantees and commitments (CPC 81199+) 6. Trading for own account or for account of customers the following: <ol style="list-style-type: none"> i. Money market instruments (CPC 81339+) ii. Foreign exchange (CPC 81333+) iii. Derivative products (CPC 81339+) iv. Transferable securities (CPC 81321+) v. Other negotiable instruments (CBC 81339+) 7. Participation in issues of all kinds of securities, including underwriting and placement as an agent (CPC 8132+) 8. Money broking (CBC 81339+) 9. Asset management, such as cash or portfolio management, custodial depository and trust services (CPC 8119+ and 81323+) 10. Settlement and clearing services for financial assets, including securities, derivative products and other 	<ol style="list-style-type: none"> 1) None. 2) None. 3) None. 4) Unbound, except that maximum of 10% of expatriates can be employed by each foreign supplier 	<ol style="list-style-type: none"> 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the Horizontal section. 	

<p>negotiable instruments.</p> <p>11. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131+)</p> <p>12. Advisory and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv) of paragraph 5. (a) of the annex on financial services (CPC 8131+ and 8133+)</p>			
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SWAZILAND – List of Article II of GATS on MFN Exemptions

Sector or sub sector	Description of measure indicating its inconsistency with Article II of GATS	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Financial Services	Members of the Common Monetary Area enjoy preferential access to Swaziland and money markets and the transfer of funds, to or from the area of any other member Common Monetary Area, is exempt from exchange controls.	Lesotho, Namibia and South Africa	Indefinite	The Common Monetary Area Agreement is aimed at the sustained economic development of the area as a whole.
Road Transportation	Provisions of existing or future bilateral or plurilateral agreements on international road transport (including combined transport road/rail) reserving or limiting the provision of a transport service into, in, across and out of Swaziland to the contracting parties.	All countries with which bilateral or plurilateral agreements are in force.	Indefinite	The need for exemption is linked to the regional characteristics of road transport services.

SWAZILAND'S SCHEDULE OF SPECIFIC COMMITMENTS FOR COMESA TRADE IN SERVICES

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
I. HORIZONTAL COMMITMENTS			
All sectors included in this schedule	<p>4) Unbound, except for:</p> <p>Intra-corporate Transferees: Personnel sent from the headquarters in the home country to temporarily work in a subsidiary in Swaziland. Each company is allowed to bring a maximum of ten expatriates. They must have at least two-year prior employment in the home country. Allowed to stay for five years that can be extended.</p> <p>Business Visitors Personnel employed by a service company abroad that enters Swaziland to conduct business meetings or setting</p>	<p>4) Unbound except as for intra-corporate transferees and business visitors, as described in the market access column</p>	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	up establishment. Cannot be engaged in the direct provision of services. Entry allowed for up to 90 days in a calendar year.		
II. SECTORAL COMMITMENTS			
COMMUNICATION SERVICES			
B. Courier Services (CPC 7512)	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	
Multi-modal Courier services (CPC 75122)	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. Audiovisual services b. Motion picture projection service(CPC 9612)	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	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
FINANCIAL SERVICES			
A. Insurance services			
Life (8121) and Non-life insurance services (8129)	1) Unbound 2) None 3) 25% of issued shares of the company shall be held either by a citizen of Swaziland, or a juridical person. If juristic person then 51% of issued voting shares must be held by a citizen of Swaziland. 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 3) 25% of Board of Directors must be Swazi citizens 30% of company income must be invested in Swaziland 4) Unbound, except as indicated in the horizontal section	
c. Reinsurance and retrocession (CPC 81299*)	1) Unbound 2) None 3) 25% of issued shares of the company shall be held by a natural person (citizen of Swaziland). If juristic person 51% of issued voting shares must be held by a citizen of Swaziland. 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 3) 25% of Board of Directors must be Swazi citizens 30% of company income must be invested in Swaziland 4) Unbound, except as indicated in the horizontal section	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d. Auxiliary services, (CPC 8140) including broking and agency services, excluding CPC 81409 (other services auxiliary to insurance and pension funding)	1) Unbound 2) None 3) Only through a resident intermediary 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
B. Banking and other financial services			
a. Acceptance of deposits and other repayable funds from the public (CPC 81116-81119)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) 50% of the Members of the Board of Directors must be Swazi citizens, Minimum capital requirement for foreign suppliers 4) Unbound, except as indicated in the horizontal section	
Wholesale deposit services (CPC 81115)	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) Lending of all types including, inter alia,	1) None 2) None 3) None	1) None 2) None 3) None	

Swaziland reserves the right to amend, withdraw or make additional commitments during the negotiation process.

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
consumer credit, mortgage credit, factoring and financing of consumer transactions (CPC8113)	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
c)Financial Leasing (CPC 8112)	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)Guarantees and Commitments (CPC 81199**)	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	
f)Trading for own account or for account of customers, whether on an exchange, in an over the counter market or otherwise, the following: - money market instruments - foreign exchange Derivative products incl., but not limited to fixtures and options - Exchange rate and	1) None 2) None 3) For foreign exchange bureau, 65% of shares must be held by citizens of Swaziland 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
interest rate instruments...(CPC 81339**, 81333, 81321*)			
i) Asset Portfolio Management (CPC 81323*)	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	
j) Settlement and clearing services for financial assets, incl. securities, derivative products, and other negotiable instruments (CPC 81339**+81319**)	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	
k) Advisory and other auxiliary financial services on all the activities listed in Article 1B of MTN.TNC/W/50 incl. credit reference and analysis, investment and portfolio research and advice on acquisitions and on corporate restructuring	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	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
and strategy (CPC 8131+8133)			
I) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131)	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	
TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel and Restaurants, including catering (CPC 641-642), excluding CPC 64199 and 643 (other lodging services and beverage serving services for consumption on the premises)	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 agencies and tour operators 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 guide services (CPC 7472)	1) None 2) None 3) None	1) None 2) None 3) None	

Swaziland reserves the right to amend, withdraw or make additional commitments during the negotiation process.

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
TRANSPORT SERVICES			
F. Road Transport Services			
a. Passenger transportation (CPC 7121+7122) b. Freight transportation (CPC 7123) (except cabotage)	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	
c) Rental of commercial vehicles with operator (CPC 7124)	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) Maintenance and repair of road transport equipment (CPC 6112 + 8867)	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	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e) Supporting services for road transport services (CPC 744)	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	
H. Services auxiliary to all modes of transport			
a) Cargo handling services (CPC 741) b) Storage and warehouse services (CPC 742) c) Freight transport agency services (CPC 748)	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	

The (*) indicates that the service specified is a component of a more aggregated CPC item specified elsewhere in the W120 classification list.

The (**) indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance (e.g. voicemail is only a component of CPC item 7523).

