



# OFFICIAL GAZETTE

of the  
COMMON MARKET FOR  
EASTERN AND SOUTHERN AFRICA  
(COMESA)

Volume 19 No.2







## THE COMESA AUTHORITY – HEADS OF STATE AND GOVERNMENT

As at 08 December 2014

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### BURUNDI

His Excellency Pierre Nkurunziza,  
President of the Republic of Burundi

### COMOROS

His Excellency Dr Ikililou Dhoinine,  
President of the Union of the Comoros

### DJIBOUTI

His Excellency Ismaïl Omar Guelleh,  
President of the Republic of Djibouti

### DEMOCRATIC REPUBLIC OF CONGO

His Excellency Joseph Kabila Kabange,  
President of the Democratic Republic of Congo  
(Chairman of the COMESA Authority)

### EGYPT

His Excellency President Abdel Fattah el-Sisi,  
President of the Arab Republic of Egypt

### ERITREA

His Excellency Isaias Afewerki,  
President of the State of Eritrea

### ETHIOPIA

His Excellency Hailemariam Desalegn,  
Prime Minister of the Federal Democratic Republic of Ethiopia  
(Vice-Chairman of the COMESA Authority)

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His Excellency Uhuru Kenyatta,  
President of the Republic of Kenya

LIBYA

His Excellency Aquila Saleh Issa,  
President of the Parliament (House of Representatives) of the Republic of Libya

MALAWI

His Excellency Mr Peter Arthur Mutharika,  
President of the Republic of Malawi

MADAGASCAR

His Excellency Hery Rajaonarimampianina,  
President of the Republic of Madagascar

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SEYCHELLES

His Excellency James Alix Michel,  
President of the Republic of Seychelles

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His Excellency Omar Hassan Ahmed al-Bashir,  
President of the Republic of Sudan

SWAZILAND

His Majesty King Mswati III,  
Ingwenyama of the Kingdom of Swaziland

UGANDA

His Excellency Yoweri Kaguta Museveni,  
President of the Republic of Uganda  
(Rapporteur of the COMESA Authority)

ZAMBIA

His Excellency Dr Guy Scott,  
Acting President of the Republic of Zambia

ZIMBABWE

His Excellency Robert Gabriel Mugabe,  
President of the Republic of Zimbabwe

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(As at 08 December 2014)

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PUBLIC RELATIONS OFFICER

Mr Mwangi Gakunga



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**ACRONYMS**

ACAC	Arab Civil Aviation Commission
AFCAC	African Civil Aviation Commission
AfDB	African Development Bank
AFI	Africa-Indian Ocean
ANSP	Air Navigation Service Provider
ARICEA	Association of Regulators of Information and Communications for Eastern and Southern Africa
ASBU	Aviation System Block Upgrades
CERT	Computer Emergency Response Team
CIF	COMESA Infrastructure Fund
COSCAP	Co-operative Development of Operational Safety and Continuing Airworthiness Programme
ECOWAS	Economic Commission of West African States
eCOO	Electronic Certificate of Origin
EGNOS	European Geostationary Navigation Overlay Service
ESA-EPA	East and Southern Africa – Economic Partnership Agreement
IATA	International Air Transport Authority
ICAO	International Civil Aviation Organization
IGAD	Inter-Governmental Agency for Development
IOC	Indian Ocean Commission
JCA	Joint Competition Authority
JPO	Joint Programme Office
LAPPSET	Lamu Port-South Sudan-Ethiopia-Transport (Corridor Project)
OSBP	One Stop Border Posts
PIRG	Planning and Implementation Regional Groups
PKI	Public Key Infrastructure
PMAESA	Port Management Association of Eastern and Southern Africa
PPP	Public-Private partnerships
RSOO	Regional Safety Oversight Organization
TRIPDA	Tripartite Regional Infrastructure Projects Database
VSAT	Very Small Aperture Terminal

**IT IS HEREBY NOTIFIED** that the Council of COMESA Ministers at its Thirty Third Meeting held from 08 to 09 December 2014 at Lusaka, Zambia issued the following Legal and General Notices:

**INFRASTRUCTURE, TRANSPORT, COMMUNICATION, INFORMATION TECHNOLOGY AND ENERGY**

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**AFRICAN AIR TRANSPORT LIBERALIZATION AND MARKET ANALYSIS STUDY**

**Directives:**

1. Council directed the Secretariat to:
  - (a) Circulate the AFCAC/IATA study on Air Transport Liberalization and Market Analysis to Member States; and
  - (b) Conduct a similar study for the COMESA region by 31 March 2015 in order to quantify economic benefits of air transport liberalization taking into account the need for COMESA Carriers to increase their market share.

**ESTABLISHMENT OF THE JOINT COMPETITION AUTHORITY (JCA)**

**Decisions:**

2. Council made the following decisions:
  - (a) The Secretariat should raise funds for the establishment of the JCA Secretariat;
  - (b) Member States be requested to allocate resources for implementation of the programme and to participate in the board meetings; and
  - (c) Member States be requested to avail experts to the JCA on secondment basis.

**CO-OPERATIVE DEVELOPMENT OF OPERATIONAL SAFETY AND CONTINUING AIRWORTHINESS PROGRAMME (COSCAP)**

**Decision:**

3. Council decided that Member States should be urged to write to the Secretariat on their needs for experts for safety oversight.

**Directives:**

- (a) The Secretariat should collaborate with ICAO/ACAC/AFCAC in mobilising resources for the implementation of COSCAP/SROO in the seven States; and
- (b) The Secretariat should visit Member States to agree on the implementation modalities.

**INTERNATIONAL CIVIL AVIATION ORGANIZATION AND AVIATION SYSTEM BLOCK UPGRADES (ASBU)****Decisions:**

4. Council made the following decisions:
- (a) Member States be urged to develop national plans aligned with the regional air navigation plans adopted by the established Planning and Implementation Regional Groups (PIRGs);
  - (b) The implementation of programmes/projects should be based on ASBU modules and agreed regional performance objectives;
  - (c) Air navigation integrated programmes/projects initiated by RECs such as COMESA, EAC and SADC, should be aligned with the ICAO-ASBU methodology and regional performance objectives;
  - (d) Working arrangements should be established among ANSPs, including coordination, cooperation and partnership in the provision of air navigation services, as well as consultations among States, ANSPs and users;
  - (e) Policies for appropriate training and retention of expertise should be established and implemented, and exchange of expertise should be promoted between States;
  - (f) ICAO, AFCAC and COMESA to continually provide capacity building through workshops and seminars to AFI States and regional stakeholders as the needs arise in the different levels of ASBUs; and
  - (g) AFCAC, Regional Economic Communities and Financial institutions to provide their support and assist Member States the implementation of the ASBUs.

**ROAD TRANSPORT FACILITATION****Decision:**

5. Council decided that Member States should domesticate the COMESA Carrier license, air transport liberalisation, axle load limits and gross vehicle weight and road user charges.

**MANAGEMENT AND MAINTENANCE OF ROAD INFRASTRUCTURE****Directives:**

6. Council directed that:
- (a) The Secretariat should undertake a study on the performance of the road funds and make recommendations on scaling up funding for sustainable road maintenance; and
  - (b) The report should be submitted to the next ministerial meeting and subsequently to the Ministers

of Finance for final decision.

## **RAILWAYS OPERATIONS AND MANAGEMENT**

### **Decisions:**

7. Council made the following decisions:
  - (a) Noted the status of railway services in the COMESA region; and
  - (b) Urged Member States to enact legislation in their respective countries to facilitate railway reform.

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## **CORRIDOR DEVELOPMENT AND MANAGEMENT**

### **Directive:**

8. Council directed the Secretariat to carry out a review of the harmonised road user charges in order to determine whether or not they constitute double taxation.

## **ONE-STOP BORDER POSTS (OSBP)**

### **Directive:**

9. Council directed the Secretariat to circulate, by 15 January 2015 the model legislation to assist Member States in implementing the OSBP.

## **MARITIME PORTS**

### **Decisions**

10. Council directed the Secretariat to:
  - (a) Collaborate with PMAESA to harmonise the statistics data collection to be used for benchmarking regional port performances against world best practices;
  - (b) Produce regular reports on port performance for dissemination to Member States; and
  - (c) Undertake a study on the impact of container deposits on the regional economy and recommend options for mitigating the negative impact of container deposits.

## **COMESA AIRSPACE INTEGRATION PROJECT**

### **Decision:**

11. The Council made the following decisions:
  - (a) Member States be urged to submit to the Secretariat, CVs of competent experts for secondment in the project fields and especially the PPPs by 20 January 2015;
  - (b) Member States be urged to establish focal points for the projects by 25 January 2015;

- (c) Member States should request the Secretariat to convene national workshops; and
- (d) The Kick-Off meeting will be held in Khartoum, Sudan in the second quarter of 2015.

#### **FRAMEWORK FOR ESTABLISHING CIVIL/MILITARY COORDINATION COMMITTEE FOR COMESA AIRSPACE INTEGRATION PROJECT**

**Decision:**

- 12. Council requested Member States to establish national joint civil/military coordination committees where they do not exist.

**Directive:**

- 13. Council directed the Secretariat to develop the ToRs for the Regional Civil-Military Interface Committee by 15 December 2014, and circulate them to Member States for comments.

#### **THE ROLE OF REGIONAL ECONOMIC COMMUNITIES (RECS) IN THE IMPLEMENTATION OF EGNOS IN AFRICA**

**Decision:**

- 14. Council decided that EGNOS Africa JPO in consultation with the Secretariat should develop a roadmap for the capacity building and knowledge transfer and the implementation of the project for COMESA Member States.

#### **TRANS-AFRICAN HIGHWAY PROJECT**

**Decisions:**

- 15. Council decided that Member States involved in the project be urged to:
  - (a) Implement the project and actively participate in its activities; and
  - (b) Submit the necessary information related to the project and discuss with the consultants.

#### **THE ESTABLISHMENT OF THE NAVIGATION LINE BETWEEN LAKE VICTORIA AND THE MEDITERRANEAN SEA PROJECT**

**Decisions:**

- 16. Council decided that:
  - (a) Each country appoints a focal point for coordination and data collection by 30 January 2015;
  - (b) The Secretariat should establish a mechanism for data collection and exchange of information;
  - (c) The team of the pre-feasibility study should visit the foot print countries in the first quarter of 2015;
  - (d) The pre-feasibility study should include the ongoing and planned projects in the foot print countries;



- (e) The pre-feasibility study be finalized by May 2015;
- (f) A coordination mechanism for River Nile transport, Lake Victoria, Lake Albert and Lake Tanganyika studies including Nile basin initiative studies/projects be established;
- (g) The Chairperson of the Committee and foot print countries should facilitate and conduct national workshops for awareness; and
- (h) The chairperson of the committee and COMESA Secretariat should follow up with AfDB on the financing support to the pre-feasibility study.

### **SHIRE-ZAMBEZI RIVER NAVIGATION PROJECT**

#### **Directive:**

17. Council directed the Secretariat to ensure that the data inadequacies in the consultancy report are addressed prior to the finalisation of the report, in conjunction with SADC.

### **LAKE TANGANYIKA TRANSPORT CORRIDOR**

#### **Commendation:**

18. Council commended the AfDB for financing the feasibility study and detailed engineering design for the Burundian side (Bujumbura Port) and the Zambian side (Mpulungu Port) project.

### **LAPSSET CORRIDOR-RAILWAY**

#### **Decisions:**

19. Council made the following decisions:
  - (a) Ethiopia, Kenya and South Sudan be urged to submit information and study reports to the Secretariat; and
  - (b) The Secretariat should mobilize financial resources for the project.

### **DJIBOUTI CORRIDOR**

#### **Decisions:**

20. Council made the following decisions:
  - (a) Djibouti, Ethiopia, Sudan and South Sudan should establish an authority for the corridor and implement the OSBPs;
  - (b) The Secretariat should assist the countries to establish the authority and develop the legal and regulatory framework for the OSBPs along the corridor; and
  - (c) The Secretariat should convene a meeting for the Djibouti Corridor Member States.

## **INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)**

### **Decision:**

21. Council decided that ICT regulators be urged to submit their annual reports to the Secretariat.

## **ICT CONSUMER PROTECTION REGULATIONS**

### **Decision:**

22. Council decided that the draft revised ICT Consumer Protection Regulations should be presented at the next ARICEA AGM, scheduled for the second quarter 2015.

## **CYBER SECURITY PROGRAMME IMPLEMENTATION**

### **Decision:**

23. Council made the following decisions:

- (a) A High Level Cyber Security Forum to be held back to back with the next ARICEA AGM which will be in Bujumbura, Burundi in the second quarter of 2015;
- (b) COMESA Secretariat should mobilise resources for the High Level Cyber Security Forum and should invite regional and international experts for exchange of best practices;
- (c) A letter has to be circulated to Member States to raise their awareness and alert them of the coming High Level Cyber Security Forum;
- (d) A regional cooperation agreement on cyber security to facilitate cooperation and mutual assistance be developed;
- (e) A check list for mutual recognition of PKI certificates be developed; and
- (f) Training on CERT be organized.

## **DIGITAL BROADCASTING MIGRATION**

### **Decision:**

24. Council decided that the report on regional digital broadcasting migration should be completed and presented to the next ARICEA AGM.

## **INFORMATION TECHNOLOGY MASTER PLAN**

### **Decision:**

25. Council decided that the Secretariat should convene a presentation and validation workshop to review the developed IT regional strategy and to develop a new IT Master Plan.

## **FREE AND OPEN SOURCE SOFTWARE**

### **Decision:**

26. Council decided that the guidelines on free and open source software should be circulated to the Member States for domestication/internalization.

## **E-GOVERNMENT**

### **Decision:**

27. Council decided that the MoU between the Republic of Uganda and COMESA on the e-Governance Academy be finalised and a roadmap for implementation of activities to be worked out.

## **E-LEARNING PROGRAMME**

### **Directives:**

28. Council directed the Secretariat to:
- (a) Convene a workshop for the Member States to adopt the draft business model; and
  - (b) Ensure the implementation of the business model in order to have an active e-learning programme.

## **DATA CENTER AND DISASTER RECOVERY SITE**

### **Directive:**

29. Council directed the Secretariat to fast-track the building and set up of the new data centre to house the new equipment in a more secure environment.

## **VSAT CLOSED USER GROUP COMMUNICATIONS NETWORK**

### **Directive:**

30. Council directed the Secretariat to make the reviving and operation of the VSAT Closed User group network a priority; and ensure allocation of sufficient funding for the operation of VSAT Closed User group network.

## **POWER SUPPLY AND CONNECTIVITY OF POST OFFICES IN AFRICA PROJECT**

### **Decisions:**

31. Council decided that:
- (a) The power supply and connectivity of post offices in Africa project should be adopted for implementation;

- (b) Infrastructure within the postal sector, including electrification and Internet connectivity to all post offices should be improved;
- (c) The project should be incorporated into the national development plans; and
- (d) The ICT regulators should be tasked to use the Universal Service Fund to fund the project on electrification and connectivity of post offices.

## **DEVELOPMENT OF PHYSICAL INFRASTRUCTURE**

### **THE COMESA MODEL ENERGY POLICY FRAMEWORK**

#### **Directive:**

32. Council directed the Secretariat to assist member states to domesticate into the national policies to comply with the COMESA model policy framework.

### **REGIONAL ASSOCIATION OF ENERGY REGULATORS FOR EASTERN AND SOUTHERN AFRICA (RAERESA)**

#### **Decisions:**

33. Council made the following decisions:

- (a) The four renewable energy guidelines on feed-in-tariff, power purchase agreement, public private partnership and joint development of projects be adopted as COMESA guidelines on renewable energy;
- (b) COMESA Member States and member institutions be urged to use these guidelines in developing their legal and regulatory frameworks and at the same time to contribute to the harmonization of such frameworks across COMESA countries; and
- (c) The Secretariat should facilitate training programmes for Member States on the four guidelines to fully understand them and further internalize/domesticate them and that Member States be urged to avail relevant information from their respective countries with the view to sharing it with others.

## **POWER GENERATION PROJECTS**

#### **Decision:**

34. Council decided that Member States and the Secretariat should exert more effort towards increasing access to electricity from the current average of 35% to 50% by 2020.

#### **Directive:**

35. Council directed the Secretariat to submit the energy projects to the COMESA Infrastructure Fund for financing.

## **POST CONFLICT RECONSTRUCTION AND DEVELOPMENT PROJECT**

### **Decisions:**

1. Council:
  - (a) Noted the progress made towards enhancing infrastructure at border areas of countries emerging from conflicts; and
  - (b) Urged Member States to co-operate with the Secretariat in the implementation of the project particularly in the provision of lands for development and facilitate tax exemptions for the procurement of goods and services.

## **FINANCING INFRASTRUCTURE PROJECTS**

### **COMESA INFRASTRUCTURE FUND**

#### **Decision:**

2. Council decided that each Member State should submit bankable projects to the Secretariat for financing under the CIF.

## **THE 11<sup>TH</sup> EDF INFRASTRUCTURE ENVELOPE**

### **Directives:**

3. Council directed that:
  - (a) The Secretariat should circulate the 11<sup>th</sup> EDF leveraging and blending concept paper by 30 January 2015;
  - (b) The Secretariat should give due consideration to the infrastructure needs of the Island States and negotiate for more funding to be allocated to them in the 11<sup>th</sup> EDF;
  - (c) The Secretariat should circulate the list of Island State projects to be implemented under the 11<sup>th</sup> EDF;
  - (d) The Secretariat in conjunction with the other RECs should work with the EU and the regional and continental financing institutions and financial markets to develop the Leveraging Blending Mechanism and to propose a road map to the EU in the context of the 11<sup>th</sup> EDF RIP; and
  - (e) The Tripartite PPIU should be adequately funded and its human resources strengthened in order to enhance its capacity to prepare and package regional infrastructure projects including IGAD and IOC as well as the Member States, in line with the priorities endorsed at the TRIPDA/PIDA level.

## **TRADE AND CUSTOMS**

### **CUSTOMS UNION**

#### **Decisions:**

4. Council made the following decisions:

- (a) The COMESA Heads of Customs Sub-committee be reinstated to provide institutional guidance on common customs activities linking the regional with national levels;
  - (b) The role of the sub-committee should be to provide institutional guidance through reporting to the Trade and Customs Committee in coordinating the regional and national customs procedures and activities;
  - (c) Prior to the Heads of Customs Sub-Committee meeting, Customs Experts should discuss and agree on a comprehensive annual customs and trade facilitation related work programme for adoption by the Heads of Customs; and
  - (d) The Trade and Customs Regulation Committee which shall consist of representatives of Member States as provided in provisions 5 and 6 of the CMR should be established in order to:
    - i. monitor the implementation and application of these Regulations;
    - ii. consider any measure to secure uniformity in the interpretation of these Regulations;
    - iii. consider and recommend to Council amendments to these Regulations proposed by Member States;
    - iv. consider any question concerning customs provisions raised by a Member State; and
    - v. exercise any other powers conferred by Council necessary for the purpose of giving effect to these Regulations
5. Further, Council decided that the COMESA CTN be reviewed to:
- (a) Take account of national splits that have arisen over time; and
  - (b) Assess the possibility for the COMESA CTN to entertain specific duty rates in parallel with the ad valorem duty rates if the specific duty is equivalent to the ad valorem.
6. A specific meeting be convened in the future purposely to address this issue by the customs regulation committee and Heads of customs sub-committee.

**Directive:**

7. Council directed that the CMR should be gazetted in all the COMESA official languages.

**Decisions:**

8. Council further decided that:
- (a) The progress made in the implementation of the customs union be noted;
  - (b) Member States be urged to address the challenges in implementation, in collaboration with the Secretariat as appropriate;
  - (c) The Secretariat should analyse the impact of variable geometry and present the results of the analysis to the task force;
  - (d) Member States should implement their national action plans for the domestication of the customs union instruments;

- (e) The meeting of the heads of customs related institutions of the Member States, should be convened in the first quarter of 2015 and among others should consider the issue of variable geometry in implementing the customs union; A meeting of the ministerial task force on the customs union, which should include finance ministries, should be convened in the first quarter of 2015 to produce a report for consideration by the next Summit planned for March 2015; and
- (f) Establishment of the Customs Union should not result in policy reversal in the Member States given the socio-economic impact that this will entail.

## **MACRO-ECONOMIC DEVELOPMENTS**

### **Decisions:**

9. Council made the following decisions:

- (a) The Secretariat should present a detailed report on the implementation of the CVTFS to the next meeting of the Council of Ministers through the Intergovernmental Committee;
- (b) A presentation should be made on the CEMES system for Council's information at the next meeting of Council of Ministers through the Intergovernmental Committee; and
- (c) Adequate funding should be mobilised for these programmes.

## **TRADE IN SERVICES**

### **Decisions:**

10. Council made the following decisions:

- (a) The Member States who are ready to implement their schedules of specific commitments should do so;
- (b) The finalised schedules of specific commitments in the four priority sectors of transport, communications, financial and tourism for Egypt, Seychelles, Swaziland, Kenya, Uganda, Mauritius, Sudan, Zambia and Djibouti, attached as Annex I, be adopted and attached to the Regulations on Trade in Services and implemented;
- (c) The Member States that have not submitted their revised schedules of commitments in the four priority areas be urged to do so;
- (d) The Member States that had not submitted any schedule in the four priority sectors be urged to do so;
- (e) The second round of negotiations in the three additional priority sectors of Business services, Energy services and Construction and Related Engineering services and other work on the COMESA Services Programme commence in 2015; and
- (f) Member States ready to implement the Schedules should go ahead on the basis of variable geometry.

**INCLUSIVE GROWTH****Decision:**

11. Council decided that COMESA Business Council in collaboration with the Secretariat and other COMESA institutions such as Regional Investment Authority, implement the Council Decision on the establishment of a standing forum for trade promotion organisations in the region to devise joint trade promotion activities.

**REGULATIONS ON NTBS****Decision:**

12. Council decided that Member States should implement the NTB Regulations (attached as Annex II) with the option to invoke Article 171 of the Treaty on enforcement, which would provide the region with an enforceable mechanism and streamlined way of dealing with NTBs.

**REPORTED NTBS****Directives:**

13. Council noted the status on reported NTBs and directed that:
  - (a) The Secretariat should continue to take the lead, pursuant to the Council decision, in facilitating bilateral consultative meetings to assist the affected Member States reach amicable solutions; and
  - (b) The Secretariat should organise bilateral meetings between Swaziland and Zimbabwe as soon as possible, to resolve the reported NTBs.

**USE OF THE ELECTRONIC CERTIFICATE OF ORIGIN****Directives:**

14. Council directed the Secretariat to:
  - (a) Conduct capacity building in Member States which should target particularly the technical experts that will be expected to utilise the system; namely the revenue authorities among other stakeholders;
  - (b) Circulate the cost implications and the required ICT infrastructure to operationalize the system to Member States; and
  - (c) Convene a Regional workshop for the stakeholders and the firm selected to develop the application for proper exchange of information on the process and operations of eCOO in the Member States.



## **THE TRADE FACILITATION PORTAL**

### **Decisions:**

15. Council made the following decisions:

- (a) Member States should provide the required data in terms of the regulations and the documents for importation and exportation both national and universal documents to the Secretariat;
- (b) The Secretariat should expedite the development of the Portal;
- (c) The portal should be linked to national portals where they exist;
- (d) The Secretariat should develop a programme of sensitisation on the web portal for the stakeholders in the Member States;
- (e) The Secretariat should ensure the portal takes care of other languages (French and Arabic); and
- (f) The portal should provide signup facility to allow regular updates and mechanism for comments.

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## **SIMPLIFIED TRADE REGIME (STR) AND REVIEW OF THE PASSENGER CARGO MANIFEST PROGRAMME**

### **Decisions:**

16. Council made the following decisions:

- i. Neighbouring Member States willing to join the STR should do so, with assistance from the Secretariat; and
- ii. Adopted the Regulations on the Minimum Standards for the Treatment of Small Scale Cross-Border Traders, attached as Annex III, for implementation by Member States.

## **WTO NEGOTIATIONS**

### **Commendations:**

17. Council:

- (a) Commended Rwanda for standing down and letting Kenya host the WTO meeting in 2015; and
- (b) Congratulated Kenya upon successfully bidding to host the WTO meeting in 2015.

### **Directives:**

18. Council:

- (a) Directed Member States to notify their Category A obligations under the WTO Trade Facilitation Agreement; and
- (b) Directed the Secretariat to assist Comoros, Ethiopia and Sudan in accession to the WTO.

**PROGRESS REPORT ON ESA/EU EPA NEGOTIATIONS****Decisions:**

19. Council made the following decisions:

- (a) ESA Senior Officials and technical teams should work to conclude a full and inclusive EPA in 2015;
- (b) The full EPA should replace the interim EPA which so far has served its purpose but is lacking in a number of areas;
- (c) ESA-EPA should incorporate achievements made in other EPA regions to ensure that the region comes up with the best EPA deal that address its development objectives;

**Directives:**

20. Council issued the following directives:

- (d) The Secretariat should prepare a comparative analysis/matrix of positions agreed in other EPA regions especially on each contentious issue with a view to adapt and build on the positive developments from EPA of other regions. This matrix should be circulated to member states before 30 January 2015 and discussed at the next ESA technical meeting;
- (e) Specifically:
  - i. On export taxes ESA should build on the position in the SADC and EAC EPA text on the same.
  - ii. On MFN, ESA should build on positions adopted in ECOWAS, EAC and SADC
  - iii. On development cooperation ESA should build on the positions in ECOWAS and EAC. The ESA EPA Development text and matrix should be imbedded in the full EPA.
  - iv. Each ESA-EPA country should validate its article by article aid for trade EPA development matrix and send the final version to Secretariat before 30 January 2015. Secretariat should finalise the regional development matrix and circulate it before the next ESA EPA regional meeting
  - v. On substantial all trade (SAT) and timeframes for liberalisation, ESA should build on the parameters secured by ECOWAS (75% to 25%) and liberalisation in 20 years
  - vi. On Trade in services, ESA should use the COMESA framework as first option and seek to conclude services negotiations under full EPA or like SADC, ECOWAS and EAC put these under future agenda for negotiations
  - vii. On Trade related issues the focus of ESA Group should remain on competition policy and sustainable development while all other issues will be put under future agenda for negotiations.
- (f) The Secretariat should circulate the draft consolidated joint ESA-EU EPA text by 20 December 2014 to member states for them to remain alive to the outstanding bracketed issues.

## **IMPLEMENTATION OF THE INTERIM EPA**

### **Decision:**

21. Council decided that ESA Group supports the efforts of interim EPA countries to implement the interim EPA. However, immediate focus for the group should be on concluding the full and inclusive EPA that will replace the interim EPA.

## **IMPACT ASSESSMENT OF CONCLUDING AN EPA FOR EACH ESA COUNTRY AND FOR THE ESA GROUP AS A WHOLE**

### **Decisions:**

22. Council made the following decisions:
  - (a) Concerned Member states need to validate the findings of the studies at national level. If there are issues and comments they should send these to Secretariat for incorporation by end of December. Final validation of the studies will be done at the next regional meeting; and
  - (b) The ESA Group should use the results of the studies to inform their positions in the negotiations.

## **NEGOTIATIONS IN OTHER EPA REGIONS**

### **Decisions**

23. Council decided that the Secretariat should undertake a comparative analysis of positions agreed in other EPA regions especially on each contentious issue with a view to adapt and build on the positive developments from these regions.

## **WAY FORWARD ON EPA NEGOTIATIONS**

### **Commendation:**

24. Council commended Madagascar which offered to host the next ESA-EPA meetings and directed that the next meeting should be held in February 2015.

### **Decisions:**

25. Council made the following decisions:
  - (a) The Secretariat should immediately write to the EU to agree on the date of next technical level followed by senior officials' meetings, preferably not later than February 2015;
  - (b) Each ESA-EPA country needs to finalise the national article by article aid for trade EPA development matrices and send these to the Secretariat by end of January 2015 in order to prepare the regional development matrix by end of February and circulate it to Member states before the next ESA regional meeting;
  - (c) The updated regional development matrix should be imbedded in the full EPA just like the ECOWAS

PAPED;

- (d) While negotiations remain open and inclusive, the principle of variable geometry should guide the negotiations which would be pursued with those who are ready to conclude the EPA;
- (e) An accession clause should be included in the EPA to allow ESA countries that are not in a position to sign the EPA once its concluded to accede to the Agreement at a later stage when they would be ready;
- (f) Current gaps in terms of information, technical, financial resources and institutional memory should be covered. The Secretariat should secure necessary resources to fully support EPA negotiations both at national and regional level on a secure and permanent basis until negotiations are completed;
- (g) There should be continuous and robust engagement with EU to ensure successful conclusion of an EPA in 2015;
- (h) The full EPA should be development friendly and supportive of the COMESA regional integration agenda; and
- (i) The Secretariat should prepare a mission to Comoros and other countries to assist them on preparations on EPA negotiations and issues.

**Decision:**

26. Council adopted the ESA-EPA work plan for 2015, attached as Annex IV.

**US-Africa Summit and the African Growth and Opportunity Act (AGOA)**

**Decision:**

27. Council recommended that there is need to lobby the US Congress to timely extend the AGOA authorisation beyond 2015.

**COMESA-INDIA TRADE AND ECONOMIC RELATIONS**

**Decisions:**

28. Council made the following decisions:

- (a) Member States should submit to the Secretariat the areas for co-operation with India by 31 December 2014; and
- (b) A meeting should be convened to discuss the COMESA-India Joint Study Group report and agree on the way forward.

**COMESA STATISTICAL PROGRAMME**

**Decisions:**

29. Council made the following decisions:

- (a) Adopted the Roadmap for the Development of Industrial Statistics in COMESA, attached as Annex V; and
- (b) Adopted the Roadmap for the Implementation of the Framework for Development of Environment Statistics (FDES 2013) in COMESA Member States, attached as Annex VI.

## **COMESA AID FOR TRADE**

### **Decisions:**

30. Council made the following decisions:

- (a) The Secretariat should provide capacity building to Member States for preparation of submissions in the next call; and
- (b) Member States should build their national capacities for implementation of regional programmes using national resources and the Technical Cooperation Facility.

## **IMMIGRATION**

### **Decisions:**

31. Council made the following decisions:

- (a) Urged Member States that have not ratified the Protocol on the Free Movement of Persons to do so;
- (b) Urged Member States to officially communicate to the Secretariat updates on the implementation of the COMESA Protocol on the Gradual Relaxation and Eventual Elimination of Visas;
- (c) Encouraged Mauritius to ratify the COMESA visa protocol given the decision taken to remove visa requirements for most of the African countries.

### **Commendation:**

32. Council commended Kenya, Mauritius, Rwanda and Seychelles for taking the lead in the elimination of visa requirements for African countries.

## **GENDER AND SOCIAL AFFAIRS**

### **Decisions:**

33. Council made the following decisions:

- (a) Member States that have not implemented the decisions of Council on gender be urged to do so;
- (b) The Secretariat should send reminders to the Member States on the implementation of gender programmes; and
- (c) The Secretariat should ensure that the reminders to Member States are sent through the co-ordinating

ministries.

## **AGRICULTURE**

### **Decision:**

34. Council decided that the report should be submitted to the Ministers Responsible for Agriculture meeting which will be held in the first quarter of 2015.

## **THE COMESA 11<sup>TH</sup> EDF PROGRAMMING PROCESS**

### **Commendation:**

35. Council noted with appreciation the support of the EU under the 11<sup>th</sup> EDF.

### **Decisions:**

36. Council made the following decisions:

- (a) The Secretariat should circulate the RIP so that Member States are fully aware of the resources available to them under the 11<sup>th</sup> EDF and the guidelines;
- (b) The Secretariat should sign the 11<sup>th</sup> EDF Joint RIP with the relevant stakeholders;
- (c) The Secretariat should launch the 11<sup>th</sup> EDF project identification and formulation process with regard to the appraisal of an Annual Action Programme for COMESA in 2015 whereby funds can be mobilised at latest early 2016; and
- (d) The Secretariat should review the existing structures to ensure that all Member States fully own and ably benefit from the RIP.

## **THIRD PARTY MOTOR VEHICLE INSURANCE SCHEME (YELLOW CARD) AND THE REGIONAL CARGO TRANSIT GUARANTEE**

### **Decisions:**

37. Council made the following decisions:

- (a) The national bureaux of the Member States that have not yet paid their budget contributions and arrears be urged to do so as soon as possible;
- (b) Each national bureau should pay US \$41,552 as its contribution to the Budget of the Council of Bureau for the financial year 2014/2015; and
- (c) Non-Member States should join and implement the Yellow Card and RCTG Scheme by signing the Inter-Bureau/Surety Agreement and joining the Council of Bureau/Surety without waiting for the finalization of signings and ratifications of the Yellow Card Protocols and RCTG Agreement.

## **REPORTS OF COMESA INSTITUTIONS ON THEIR OPERATIONS**

### **Decisions:**

38. Council made the following decisions:

- (a) All COMESA Institutions, together with the Secretariat should meet and harmonise their strategies towards the common development objectives of COMESA; and
- (b) The Secretariat and the Institutions should agree on standardised reporting to Policy Organs.

27

## **COMESA COURT OF JUSTICE**

### **Decision:**

39. Council decided that the Court of Justice should continue holding publicity seminars in Member States in order to further publicise among stakeholders how they can access justice from the Court.

## **THE EASTERN AND SOUTHERN AFRICA DEVELOPMENT BANK (PTA BANK)**

### **Commendations:**

40. Council:

- (a) Noted with appreciation the report of the PTA Bank and commended the Bank's efforts in sourcing financing for various projects in the region; and
- (b) Commended the Member States for continued support to the Bank.

## **RE – INSURANCE COMPANY (ZEP-RE)**

### **Decisions:**

41. Council made the following decisions:

- (a) All Member States that are not full participants in ZEP-RE activities should consider doing so in line with the decisions of the Council of Ministers and Authority of Heads of State and Governments. Compliance with these decisions will help the Company fulfil its objectives; and
- (b) The existing members should consider augmenting their participation by taking up more shares in the Company.

## **COMESA BUSINESS COUNCIL (CBC)**

### **Commendation:**

42. Council commended CBC for their support to the business community.

**Decisions:**

43. Council:

- (a) Urged Member States to work with CBC in improving the business environment; and
- (b) Directed the Secretariat to explore funding mechanisms under the 11<sup>th</sup> EDF mechanism to support CBC programmes.

**FEMCOM**

**Commendation:**

44. Council expressed deep appreciation to the Republic of Malawi for their continued support to FEMCOM Secretariat which included:

- (a) The allocation of 10 acres of land for the development of the FEMCOM Complex; and
- (b) Financial and technical contribution towards the launch of the FEMCOM regional office in Lilongwe, Malawi on 24 April 2014.

**Decision:**

45. Council decided that Member States should be requested to assist FEMCOM National Chapters to access resources for their respective sector-specific projects from various line Ministries.

**COMESA COMPETITION COMMISSION**

**Decisions:**

46. Council reiterated the decisions of the 32<sup>nd</sup> Council of Ministers' meeting in Kinshasa as follows:

- (a) Urged Member States to give the Treaty and regulations the force of law in their respective jurisdictions;
- (b) Urged Member States to comply with the provisions of Articles 5(2) and 10 (2) of the Treaty by enacting appropriate legislation at national level to give effect to the COMESA Treaty and confer upon the COMESA Competition Regulations the force of law and the necessary legal effect in their territories by the end of 2014; and
- (c) Directed the Commission to intensify sensitization and advocacy work in Member States to enhance the enforcement of the COMESA Competition regulations.

**THE ALLIANCE FOR COMMODITY TRADE IN EASTERN AND SOUTHERN AFRICA (ACTESA)**

**Decision:**

47. Council decided that ACTESA should harmonize the maize standards as a major step towards removing Non-Tariff barriers (NTBs) which are a major impediment to the staple food trade and movement of the commodity between surplus and deficit areas in the region.



**ANY OTHER BUSINESS**

**Decision:**

48. Council decided that all reports of the Policy Organs should be duly signed by the Bureau of the meetings in order to enhance the authenticity of each adopted report.

**Sindiso Ngwenya**  
**SECRETARY GENERAL**

## ANNEX I

**THE FINALISED SCHEDULES OF SPECIFIC COMMITMENTS IN THE FOUR PRIORITY SECTORS OF TRANSPORT, COMMUNICATIONS, FINANCIAL AND TOURISM FOR BURUNDI, DJIBOUTI, EGYPT, KENYA, MALAWI, MAURITIUS, SEYCHELLES, SWAZILAND, SUDAN, UGANDA, AND ZAMBIA ADOPTED BY THE 33<sup>RD</sup> COMESA COUNCIL OF MINISTERS AND ATTACHED TO THE REGULATIONS ON TRADE IN SERVICES**

\*(The Regulations on Trade and Services are Annex to Gazette Volume 15 No. 15 of June 2009)

**BURUNDI - SCHEDULE OF SPECIFIC COMMITMENTS**

**COMESA NEGOTIATIONS ON TRADE IN 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
<b>I. HORIZONTAL COMMITMENTS</b>	<p>4) Unbound with the exception of:</p> <p><b>Intra-corporate transferees:</b> 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 <b>expatriates</b> up to <b>5% of total workforce</b>.</p> <p><b>Business visitors:</b> 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
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>2. COMMUNICATION SERVICES</b>			
<b>B. Courier Services</b>			
(CPC 7512) Express courier services	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>C. Telecommunication services</b>			
(CPC 7521 voice telephone services -7523** packet-switched data transmission services, circuit-switched data transmission services, online information and data base retrieval, 7529**, 843**)	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.	Adhere to the reference paper on basic telecommunications
<b>D. Audiovisual Services</b>			
(CPC 9611-9613 and 7524)	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	

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
<b>7. FINANCIAL SERVICES</b>	"horizontal commitments" section.	"horizontal commitments" section.	
<b>A. Insurance Services</b>			
<b>a. Life, accident and health insurance services (CPC 8121)</b>	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>b. Non-life insurance services (CPC 8129)</b>	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.	
<b>c. Reinsurance and retrocession (CPC 81299*)</b>	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>d. Services auxiliary to insurance (CPC 814A)</b>	1) None	1) 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
<p><b>B. Banking and other financial services</b></p> <p><b>All banking and other financial services excluding insurance (a-l), with their corresponding CPC</b></p>	<p>3) None</p> <p>4) Unbound except as indicated in the "horizontal commitments" section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the "horizontal commitments" section 3</p>	<p>3) None</p> <p>4) Unbound</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the "horizontal commitments" section 3</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
<b>TOURISM AND TRAVEL SERVICES</b>			
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	
<b>TRANSPORT SERVICES</b>			
<b>MARITIME TRANSPORT</b>			
<b>Not applicable: Burundi is a landlocked country</b>			
<b>INLAND TRANSPORT WATERWAYS</b>			

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
<b>services</b> <b>(CPC 7221-24, 8868**745**)</b>	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>AIR TRANSPORT</b> <b>Air Transport</b> <b>Air transport service</b> <b>(CPC 731, 732, 734, 746 and 8868**)</b>	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	
<b>RAILWAY TRANSPORT SERVICES</b> <b>Railway Transport services</b> <b>(CPC 7111-7113, 8868** and 743)</b>	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	
<b>ROAD TRANSPORT SERVICES</b> <b>Road Transport</b> <b>(CPC 7121-24, 6112, 8867</b>	1) None	1) 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
and 744)	2) None 3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	2) None 3) Unbound 4) Unbound except as indicated in the "horizontal commitments" section	
<b>PIPELINE TRANSPORTATION SERVICE</b> Pipeline transportation service (CPC 7131 and 7139)	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	

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.
<b>I. ENGAGEMENTS HORIZONTAUX</b>			
Tous les secteurs inclus dans cette liste.	<p>4) Néant pour les catégories suivantes:</p> <ul style="list-style-type: none"> <li>(a) Visiteurs d'affaires</li> <li>(b) Personnes mutées au sein d'une même entreprise</li> <li>(c) Prestataires de services contractuels – Employés d'entités morales</li> <li>(d) Administrateurs indépendants</li> </ul> <p><b>Les visiteurs d'affaires</b> peuvent être les personnes visitant Djibouti temporairement aux fins spécifiées aux points (i), (ii) et (iii) ci-après :</p> <ul style="list-style-type: none"> <li>(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</li> <li>(ii) Les employés d'une entité morale aux fins de la mise en place d'une présence commerciale de cette entité morale à Djibouti.</li> </ul>	<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"> <li>• 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.</li> <li>• ne recevront aucune rémunération d'une source localisée au sein de Djibouti.</li> <li>• l'entrée des personnes relevant de cette catégorie est pour une période de 90 jours au plus durant chaque visite.</li> </ul> <p>L'entrée des personnes mutées au sein d'une entreprise est accordée, dans les limites numériques</p>

	<p>(iii) les personnes participant aux réunions d'affaires.</p> <p><b>Les personnes mutées au sein d'une même entreprise</b> sont au service d'une entité morale 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><b>(i) Les cadres sont :</b></p> <p>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><b>(ii) Les Directeurs sont :</b></p> <p>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><b>(iii) Les Experts spécialisés sont :</b> des personnes qui possèdent de bonnes qualifications et des connaissances à un niveau</p>	<p>définies par la Loi; le visa 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 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 été conclu.</p>
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	<p>équipements, aux techniques ou à la direction de l'organisation, et peuvent inclure des personnes qui sont membres d'organes professionnels accrédités.</p> <p><b>Les prestataires de services contractuels-employés d'entités morales sont :</b></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><b>Les administrateurs indépendants sont :</b></p> <p>(i) Les personnes physiques voyageant à Djibouti <i>temporairement</i> pour de courtes durées de séjour allant jusqu'à douze mois avec permission de prorogation de trois mois 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 échéant, l'enregistrement auprès d'un organe professionnel et la rémunération doit être versée</p>	<ul style="list-style-type: none"> <li>• Preuve de contrat</li> <li>• Possession des qualifications académiques et professionnelles requises pertinentes aux services à fournir, y compris l'expérience professionnelle</li> </ul>
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	uniquement à la personne physique ; et <i>(ii)</i> Les personnes physiques voyageant à Djibouti temporairement 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.		
<b>ENGAGEMENTS SECTORIELS</b>			
<b>1. SERVICES DE COMMUNICATIONS</b>			
<b>B. Services de courrier (CPC 7512)</b>	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	
<b>C. Services de Télécommunications</b>			
<b>a) Services de téléphonie vocale (CPC 7521)</b> <b>(b) Services de transmission de données avec commutation par paquets (CPC 7523**)</b> <b>(c) Services de transmission de données avec commutation de circuits (CPC 7523***)</b>	1) Non consolidé 2) Non consolidé 3) Non consolidé, monopole d'Etat au profit de Djibouti Telecom SA, opérateur public des télécommunications	1) Non consolidé 2) Non consolidé 3) Non consolidé, monopole d'Etat au profit de Djibouti Telecom SA, opérateur public des télécommunications	

<p>(e) Services de télegraphe (CPC 7523**)</p> <p>(f) Services de télécopie (CPC 7521**+7529**)</p> <p>(g) Services de circuit privé pris à bail (CPC 7522**+7523**)</p> <p>(h) Courrier électronique (CPC 7523**)</p> <p>(i) Messagerie vocale (CPC 7523**)</p> <p>(j) Services directs de recherche d'informations permanente et de serveur de base de données (CPC 7523**)</p> <p>(k) Services d'échange électronique de données (CPC 7523**)</p> <p>(l) Services à valeur ajoutée/améliorés de télécopie, y compris enregistrement et retransmission et enregistrement et recherche (CPC 7523**)</p> <p>(m) Services de conversion de codes et de protocoles</p> <p>(n) Services de traitement direct de l'information et/ou de données (y compris le traitement de transactions) (CPC 843**)</p> <p>(o) Autres</p> <p>(i) Radiomessagerie</p> <p>(ii) Radio mobile privé</p> <p>(iii) Services de location du matériel</p> <p>(iv) Services de vente du matériel</p> <p>(v) Equipment Services de maintenance du matériel</p> <p>(vi) Services mobiles (par satellite)</p>		
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<p><b>2. SERVICES RELATIFS AU TOURISME ET AUX VOYAGE</b></p>			
<p><b>A. Hôtels et restaurants, y compris catering (CPC 641-643)</b></p>	<p>1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>1) Néant 2) Néant 3) Néant 4) Non consolidé, les fournisseurs de services étrangers doivent former un certain nombre raisonnable de nationaux</p>	
<p><b>B. Agences de voyage et autre Services tour opératoire (CPC 7471)</b></p>	<p>1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>1) Néant 2) Néant 3) Néant 4) Non consolidé, les fournisseurs de services étrangers doivent former un certain nombre raisonnable de nationaux</p>	
<p><b>C. Les Services guide touristique (CPC 7472)</b></p>	<p>1) Néant 2) Néant 3) Néant 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	<p>1) Néant 2) Néant 3) Néant, la plupart des employés doivent être des nationaux 4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>	

<b>3. SERVICES FINANCIERS</b>			
<b>1. Tous les services d'assurance et relatifs à l'assurance</b>			
<b>Assurance directe : services d'assurance vie et non vie (CPC 8121 and 8129)</b>	<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.</p> <p>La participation étrangère au capital social des sociétés d'assurance est limitée à 50%.</p> <p>- 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>
<b>Réassurance et rétrocession (CPC 81299*)</b>	<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 sauf comme indiqué sous les engagements horizontaux</p>	<p>Les sociétés d'assurance opérant en République de Djibouti doivent cédées à la société de réassurance du Comesa ZEP-RE au moins 10% sur leurs traités de réassurance</p>

<p><b>2. Services bancaires et autres services financiers</b></p>	<p>Services bancaires et autres services financiers énumérés après:</p> <p>Acceptation de dépôts et fonds remboursables du public (CPC 81115-81119)</p> <p>Prêts de tout type, y compris crédit à la consommation, crédit hypothécaire, affacturage et financement de transactions commerciales (CPC 8113)</p> <p>Crédit-bail (CPC 8112)</p> <p>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)</p> <p>Garanties et engagements (CPC 81199**)</p> <p>Opérations pour compte propre ou pour compte de clients, que ce soit dans une bourse, sur un marché hors cote ou autre, sur: instruments du marché monétaire (chèques, effets, certificats de dépôt, etc.)</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>1) Néant</p> <p>2) Néant</p> <p>3) Néant</p> <p>4) Non consolidé sauf comme indiqué sous les engagements horizontaux</p>
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- 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\*\*)
- 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 de services relatifs à ces émissions (CPC 8132)
- h) Courtage monétaire
- 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
- j) Services de règlement et de compensation afférents à des actifs financiers, y compris valeurs mobilières, produits dérivés et autres instruments négociables

<p><b>G. Service de transport par conduites</b>  <b>a. Transportation de carburant (CPC 7131)</b>  <b>B. Transportation des autres marchandises (CPC 7139)</b></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><b>H. Les Services auxiliaires a tout mode de transport</b>  <b>a. Les services effectuant les Cargos (CPC 741)</b>  <b>b. Stockage et services des magasins depots (CPC 742)</b>  <b>c. Agents de Service de transport de Freight d. autres (CPC 749)</b></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>	

**EGYPT - INITIAL SCHEDULE OF COMMITMENTS**

Modes of supply: natural persons	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>	
<b>I. HORIZONTAL COMMITMENTS</b>				
ALL SECTORS INCLUDED IN THIS SCHEDULE	4) The entry and temporary stay of <u>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: natural persons	(1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of		of
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"> <li>1. <u>Business visitors</u> 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.</li> <li>2. <u>Intra-Corporate Transferees</u>  Access is subject to the following conditions: - 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</li> </ol>		

Modes of supply: natural persons	(1)	(2)	(3)	(4)	of
Sector or Sub-sector	Limitations on Market Access	Consumption abroad	Commercial presence	Additional Commitments	
	(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.				
	- 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.				

Modes of supply: natural persons	(1)	(2)	(3)	(4)	of Presence
Sector or Sub-sector	Limitations on Market Access	Consumption abroad	National Treatment	Additional Commitments	
	<p>- the natural person concerned must belong to one of the following categories:</p> <p>(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:</p> <ul style="list-style-type: none"> <li>- directing the establishment or a department or sub-division of the establishment;</li> <li>- supervising and controlling the work of other supervisory, professional or managerial employees;</li> <li>- having the authority personally to hire and fire or recommend hiring, firing or other personnel actions.</li> </ul> <p>Compliance with an ENT is not required for senior managers.</p>				

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

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: natural persons	(1)	(2)	(3)	(4)	of
Sector or Sub-sector	Limitations on Market Access	Consumption abroad	Commercial presence	Presence	Additional Commitments
<p><b>II: Sector Specific Commitments</b></p> <p>2.B. Courier services (CPC 75121- Multi-modal courier services)</p> <p>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"> <li>1) Unbound</li> <li>2) None</li> <li>3) Special Authorization from the Egyptian National Postal Organization (ENPO) will be needed. Authorizations are to be granted based on ENT.</li> <li>4) Unbound, except as indicated in horizontal commitments.</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in horizontal commitments.</li> </ol>			



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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b><u>II: Sector Specific Commitments</u></b></p> <p>2.B. Courier services (CPC 75121- Multi-modal courier services</p> <p>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"> <li>1) Unbound</li> <li>2) None</li> <li>3) Special Authorization from the Egyptian National Postal Organization (ENPO) will be needed. Authorizations are to be granted based on ENT.</li> <li>4) Unbound, except as indicated in horizontal commitments.</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in horizontal commitments.</li> </ol>	

Modes of supply: natural persons	(1)	(2)	(3)	(4)	of Presence
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>	
<p>2.C. <u>Telecommunication</u> <u>s</u> <u>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 telecommunication 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>	

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>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) None<sup>1</sup></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.</p> <p>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>	

<sup>1</sup> A licence is required

Modes of supply: natural persons	(1) Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence	of
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		Additional Commitments			
International services using any means of technology:	1) None <sup>2</sup>		1) None					
2.C.b&cData services	2) None		2) None					
2.C.o Internet services	3) None		3) None					
	4) Unbound, except as indicated in the horizontal section.		4) Unbound, except as indicated in the horizontal section.					
Domestic services using any means of technology:	1) None <sup>2</sup>		1) None					
2.C.b&cData services	2) None		2) None					
2.C.g Private leased lines	3) None		3) None					
2.C.o Internet services	4) Unbound, except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section					

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Other services: 2.C.o Mobile services (Digital Only)	<ol style="list-style-type: none"> <li>1) None<sup>2</sup></li> <li>2) None</li> <li>3) None.</li> <li>4) Unbound, except as indicated in the horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section.</li> </ol>	
Other services using any means of technology: 2.C.o Paging services 2.C.o VSAT	<ol style="list-style-type: none"> <li>1) None<sup>2</sup></li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section.</li> </ol>	
2.C.h.-n. Value Added Services			

Modes of supply: natural persons	(1)	(2)	(3)	(4)	of
	Cross-border supply	Consumption abroad	Commercial presence	Presence	
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>		
<b>7. FINANCIAL SERVICES:</b>					
	<u>Measures of Specific Applications</u>				
	<b>A. <u>Insurance and Insurance - Related Services:</u></b>				
	Commercial presence for insurance and related insurance companies shall take the form of Egyptian joint-stock company.				
	<b>B. <u>Other Financial Services:</u></b>				
	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.				

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>A. <u>All insurance and insurance-related Services</u></p> <p>1. <u>Life, health, and personal accident</u></p> <p>2. <u>Non-life insurance</u></p>	<p>1) None</p> <p>2) None</p> <p>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) Unbound</p> <p>2) None</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) Unbound</p>	

Modes of supply: natural persons	(1)	(2)	(3)	(4)	of
Sector or Sub-sector	Limitations on Market Access	Consumption abroad	Commercial presence	Additional Commitments	
	<p>(1) Cross-border supply</p> <ul style="list-style-type: none"> <li>- Ownership of 10% or more of the issued capital equity of the companies operating inland is subject to the approval of the prime Minister.</li> <li>- Insurance and reinsurance companies are not allowed to deal with reinsurers not listed in the supervisory authority list.</li> <li>- Five % of the <b>Insurance</b> company's treaties must be ceded to African Reinsurance Co.</li> </ul> <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>(2) Consumption abroad</p>	<p>(3) Commercial presence</p> <p>4) Unbound, except as indicated in horizontal section.</p>	<p>(4) Additional Commitments</p>	



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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3 . Reinsurance and Retrocession	<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>	

Modes of supply: natural persons	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
4. <u>Intermediation</u>	<ol style="list-style-type: none"> <li>1) Unbound except for life insurance and reinsurance services.</li> <li>2) Unbound except for life insurance and reinsurance services.</li> <li>3) Unbound</li> <li>4) Unbound</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) Unbound</li> </ol>		
5. <u>Auxiliary services other than intermediation:</u>  (a) Actuarial services	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>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.</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) None</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>		

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Consultancy assessment and risk management only (risk assessment and risk management only)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>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.</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	
(c) Loss assessment	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>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.</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) None</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	
(d) Liaison offices for public relations and market research	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	

Modes of supply: natural persons	(1)	(2)	(3)	(4)	of
	Cross-border supply	Consumption abroad	Commercial presence	Presence	
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>		
<p>B. Banking Services</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, traveler's cheques and bankers draft</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>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>			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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"> <li>- Money market instruments (cheques, bills and certificates of deposits);</li> <li>- foreign exchange;</li> <li>- securities.</li> </ul> <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>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>4) Unbound, except as indicated in horizontal section.</p>	

Modes of supply: natural persons	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>	
2. <u>Foreign Bank Branches</u>  Same activities specified under 1. above	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>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.</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>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.</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>		
3. <u>Representative Offices of Foreign Banks (R.O.'s)</u>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) Foreign banks which desire to set up representative offices should not have branches in Egypt.  - 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.</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) Unbound</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>		

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>C. <u>Other Financial Services</u></p> <p>1. <u>Securities</u></p> <p>(a) Underwriting</p> <p>(b) Brokerage</p> <p>(c) Trading in securities</p> <p>(Buy and Sell by individual or institution on the stock exchange)</p> <p>(d) Clearing and settlement</p> <p>(e) Marketing and market promotion</p> <p>(f) Portfolio and investment management</p> <p>(g) Establishment of collective investment funds</p> <p>(h) Venture capital</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) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in horizontal section.</p>	

Modes of supply: natural persons	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
2. <u>Financial Leasing</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.		



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</p> <p>(b) Resort hotels and accommodation facilities</p> <p>(c) Casino hotels</p> <p>2. <u>Restaurants, Bars and Canteens</u></p> <p>(a) Full service restaurants</p> <p>(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>	

Modes of supply: natural persons	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
<p>B. <u>Travel Agencies and Tour Operators Services</u></p> <p>(a) Tour operators, packagers and wholesalers</p> <p>(b) Travel agencies</p>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) Limitations on the total number of services operations depend on the requirement of economic needs test</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) Training of Egyptian employees shall be performed by the foreign natural persons within the terms of the contract</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>		

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

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>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>	

Modes of supply: natural persons	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
(b) Inland Water Ways	1) Unbound 2) None	1) Unbound 2) None		
1. Inland Water Passenger Transport	3) The addition to the inland water passenger and/or local tours is subject to the physical capacity of the Nile river. 4) Unbound, except as indicated in horizontal section.	3) None 4) Unbound, except as indicated in horizontal section.		
2. Inland Water local tours				
3. Cruise ships				
3. <u>Tourism Training Institutions</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.		
4. <u>Tourism Conventions</u> <u>Related</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.		

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
5. <u>Institutional</u> <u>Food</u> <u>Service</u> <u>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: natural persons	(1)	(2)	(3)	(4)	of
Sector or Sub-sector	Limitations on Market Access	Consumption abroad	Commercial presence	Presence	Additional Commitments
11. TRANSPORT SERVICES					
A. <u>International Maritime Transport</u>					
(a) <u>Passenger Transportation</u>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>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.</li> <li>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.</li> </ol> <p>The Chairman and majority of the Board of Directors must be Nationals</p>				
(b) <u>Freight Transportation</u>					
			<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>		

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

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(f) Supporting services for Maritime Transport: Port dredging	<ol style="list-style-type: none"> <li>1) Unbound*</li> <li>2) Unbound</li> <li>3) Commercial Presence is only allowed for joint-venture companies. Foreign capital equity shall not exceed 75 %</li> <li>4) At least 25 % of both the personnel and members of the Board of Directors must be Nationals</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound*</li> <li>2) Unbound</li> <li>3) None</li> <li>4) Unbound, except as indicated in horizontal section.</li> </ol>	

Modes of supply: natural persons	(1)	(2)	(3)	(4)	of
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Consumption abroad</b>	<b>Commercial presence</b>	<b>Additional Commitments</b>	
<u>C. Air Transport Services</u>					
<u>Repair, Maintenance and Calibration services of tests equipment for civil aircrafts.</u>	<ol style="list-style-type: none"> <li>1) Unbound.</li> <li>2) None.</li> <li>3) None.</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound.</li> <li>2) None.</li> <li>3) None.</li> <li>4) Unbound.</li> </ol>			
<u>Selling and Marketing of air transport services</u>	<ol style="list-style-type: none"> <li>1) None.</li> <li>2) None.</li> <li>3) None.</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) None.</li> <li>2) None.</li> <li>3) None.</li> <li>4) Unbound.</li> </ol>			
<u>Computer Reservation Systems (CRS) Services</u>	<ol style="list-style-type: none"> <li>1) None.</li> <li>2) None.</li> <li>3) None.</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) None.</li> <li>2) None.</li> <li>3) None.</li> <li>4) Unbound.</li> </ol>			



**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
<p align="center"><b>I. HORIZONTAL COMMITMENTS</b></p> <p>All sectors included in this schedule</p>	<p>3) Commercial presence requires that foreign service providers incorporate or establish the business locally</p> <p>4) Unbound, except for:</p> <p><b>Intra-corporate Transferees:</b> 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><b>Business Visitors</b> 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>
<p align="center"><b>II. SECTOR-SPECIFIC COMMITMENTS</b></p>		
<p align="center"><b>COMMUNICATION SERVICES</b></p>		
<p><b>A. Courier Services, excluding</b></p>	<p>1) None 2) None</p>	<p>1) None 2) None</p>

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
<b>Postal services (CPC 7512)</b>	3) None ,Except maximum foreign capital participation of 30% 4) Unbound, except as indicated in the horizontal section	3) None 4) Unbound, except as indicated in the horizontal section
<b>B. Telecommunication services (CPC 7521-7523**, 7529**, 843**)</b>	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
<b>Vending of telecommunications terminal equipment</b>	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>Installation and maintenance of telecommunications terminal equipment</b>	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>C. Audiovisual services (CPC 9611 and 9612)</b>	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>FINANCIAL SERVICES</b>		
<b>A. Insurance services</b>		
<b>a. Life, accident and health insurance services (CPC 8121)</b>	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

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
<b>b. Non-life insurance, except Aviation, Marine and Engineering (CPC8129)</b>	section 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
<b>c. Reinsurance and retrocession (CPC 81299)</b>	1) None 2) None 3) None, except Mandatory cessions must be placed with Kenya RE 18%,Zep Re 10%and Africa Re 5% 4) Unbound ,except as indicated in the horizontal commitments	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section
<b>d. Services auxiliary to insurance: assessors, intermediaries and loss adjustors (CPC 81403)</b>	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>d. Services auxiliary to Insurance: Broking services (CPC 81401)</b>	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.
<b>d. Services auxiliary to Insurance: Agency services (CPC 81401)</b>	1) Unbound, except for re-insurance services. 2) Unbound 3) Agency services restricted to Kenyan Nationals.	1) None 2) Unbound 3) Unbound 4) Unbound, except as indicated in the Horizontal

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
	4) Unbound, except as indicated in the Horizontal Commitments.	Commitments.
<b>B. Banking and other financial services</b>		
<p>a. Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)</p> <p>b. Lending of all types , including consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113)</p> <p>d. All payments and money transmission services (CPC 81339**)</p> <p>e. Guarantees and commitments (CPC 81199**)</p> <p>k. Advisory and other auxiliary financial services (CPC 8133)</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) Unbound</p> <p>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</p> <p>2) None</p> <p>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.</p> <p>4) Unbound, except as indicated in the Horizontal Commitments.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound, except as indicated in the Horizontal Commitments.</p>
<p>i. Asset management, except pension fund management (CPC 81323*)</p>	<p>1) None</p> <p>2) None</p> <p>3) 30% of the paid up capital must be owned by Kenyan nationals</p> <p>4) Unbound, except as indicated in the horizontal</p>	<p>1) None</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
	section	
<b>TOURISM AND TRAVEL RELATED SERVICES</b>		
<b>A. Hotel and Restaurants, including catering (CPC 641-643)</b>	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>B. Travel agencies and tour operators services (CPC 7471)</b>	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>C. Tourist guide services (CPC 7472)</b>	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>TRANSPORT SERVICES</b>		
<b>A. Maritime Transport services</b>		
<b>.Maintenance and repair of vessels (CPC 8868**)</b>	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
<b>C. Air Transport services</b>		
<b>e. Supporting services for air</b>		

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment
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
<b>F. Road Transport Services</b>		
<b>a. Passenger transportation (CPC 7121+7122)</b>	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>b. Freight transportation (CPC 7123)</b>	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>d. Maintenance and repair of road transport equipment (CPC 6112+8867)</b>	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
<b>e. Supporting services for road transport services (CPC 744)</b>	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

**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
<p><b>I HORIZONTAL COMMITMENTS</b></p>	<p>All sectors included in this schedule</p>	<p>4) Unbound, except for:</p> <p><b>Intra-corporate Transferees:</b> 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 extended.</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>
<p><b>Sector or Sub-Sector</b></p>	<p><b>Limitations on Market Access</b></p> <p><b>Business Visitors:</b></p> <p>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.</p>	<p><b>Limitations on National Treatment</b></p>	<p><b>Additional Commitments</b></p>

<b>II SECTORAL COMMITMENTS COMMUNICATION SERVICES *</b>			
<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
B) Courier services C) (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	
D) Telecommunication services Voice telephone services -(CPC 7521)	1) None 2) None 3) None, Number of licenses granted to be determined according to an economic need. 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 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	



	section	section	section	section
<b>Sector or Sub-Sector</b>	<b>Limitations on Access</b>	<b>Limitations on Market</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
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	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	1) None 2) None 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	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	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	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
	<b>Limitations on Access</b>	<b>Limitations on Market</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>

Sector or Sub-Sector	Access	Treatment	
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 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	
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	
<b>Sector or Sub-Sector</b> D Audio-visual services	<b>Limitations on Market Access</b> 1) None	<b>Limitations on National Treatment</b> 1) None	<b>Additional Commitments</b>

Motion picture and video tape production and distribution services (CPC 9611)	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	2) None 3) None 4) Unbound except as 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	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	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	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
<b>Sector or Sub-Sector</b>	<b>Limitations on Access</b>	<b>Limitations on Market</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
FINANCIAL SERVICES				
<b>A) INSURANCE SERVICES *</b>				
All insurance and insurance-related services 812**	CPC		1) None 2) None	

a) Life insurance (CPC 8121)	3) None, except that foreign companies are required to incorporate as subsidiaries 4) Unbound except as indicated in the horizontal section	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	
b. Non-life insurance services (CPC 8129)	1) None 2) None 3) None Foreign companies are required to incorporate as subsidiaries 4) Unbound except as indicated in the horizontal section	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	
c. Reinsurance and retrocession (CPC 81299* )	1) None 2) None 3) None Foreign companies are required to incorporate as subsidiaries 4) Unbound except as indicated in the horizontal section	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	
<b>Sector or Sub-Sector</b> b) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	<b>Limitations on Market Access</b> 1) Unbound 2) Unbound 3) None Foreign companies are required to incorporate as subsidiaries 4) Unbound except as indicated in the horizontal section	<b>Limitations on National Treatment</b> 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	<b>Additional Commitments</b>

section	4) Unbound except as indicated in the horizontal section		
<b>B) BANKING AND OTHER FINANCIAL SERVICES</b>			
<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	
<b>Additional Commitments</b>			
a. Acceptance of deposits and other repayable funds from the public (CPC 81115 – 81119)	1) Unbound <sup>2</sup> 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 <sup>3</sup> 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	
c) Financial (CPC 8112) leasing	1) None <sup>4</sup> 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 services (CPC 81339) money transmission	1) None <sup>2</sup> 2) None 3) Only through	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

<sup>2</sup> Subject to Annex on Financial Services Art.2(a)

<sup>3</sup> Subject to exchange control regulations

<p>e. Guarantees and commitments (CPC 81199)</p>	<p>subsidiaries of established banks indicated in the horizontal section</p>	<p>4) Unbound except as indicated in the horizontal section</p>	
<p>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 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) None          2) None          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 (CPC 81339**) broking</p>	<p>1) Unbound 2) Unbound 3) Only subsidiaries of foreign-established banks indicated in the horizontal section 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 depository and trust services (CPC 81323*)</p>	<p>1) Unbound 2) Unbound 3) Only subsidiaries of foreign-established banks indicated in the horizontal section 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>j. Settlement and clearing services for financial assets, incl.; securities, derivatives products, and other negotiable instruments (CPC 81339** or 81319**)</p>	<p>1) Unbound 2) Unbound 3) Only subsidiaries of foreign-established banks indicated in the horizontal section 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>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 portfolio research and advices, advice on acquisition and on corporate restructuring and strategy (CPC 8131 or 8133)</p>	<p>1) Unbound 2) Unbound 3) Only subsidiaries of foreign-established banks indicated in the horizontal section 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>l. Provision and transfer of financial information, and financial data processing and related software by providers of financial services</p>	<p>1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section</p>	

	indicated in the horizontal section	indicated in the horizontal section	Additional Commitments
<b>Sector or Sub-Sector</b>	<b>Limitations on Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
(CPC 8131)			
A) Hotels and restaurants (incl. 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 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	
<b>Recreational Services</b>			
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	



	section	horizontal section
<b>EDUCATION SERVICES</b>		
Other education services only		
Tourism Training Institutes	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
<b>TRANSPORT SERVICES</b>		
<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
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	1) None 2) None 3) None

	4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	
Pushing and towing services (CPC 7224)	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	
<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
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	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
B) <u>Rail Transport Services</u> Passenger transportation (CPC 7111)	1) None 2) None 3) <b>Unbound</b> 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) <b>Unbound</b> 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) <b>Unbound</b> 4) Unbound except as indicated in the horizontal section	
Freight transportation (CPC 7112)	1) None 2) None 3) <b>Unbound</b> 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) <b>Unbound</b> 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) <b>Unbound</b> 4) Unbound except as indicated in the horizontal section	
<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>

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	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	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	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
<u>C) 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	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 as indicated in the horizontal section	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	
<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>	
Rental of commercial vehicles with operator (CPC 7124)	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	
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 (CPC 7131)	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>Sector or Sub-Sector</b> Transportation of other goods (CPC 7139)	<b>Limitations on Market Access</b> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	<b>Limitations on National Treatment</b> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	<b>Additional Commitments</b>
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)	section 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	section 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
Freight transport agency services (CPC 748)	section 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	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
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<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></p> <p>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</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>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 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"> <li>• will not be engaged in making direct sales to the general public or in supplying services themselves</li> <li>• will not receive any remuneration from a source located within Mauritius.</li> </ul> <p>Entry for persons in this category shall be for a period of not more than 90days every 365 day period.</p> <p>b) <u>Employees of foreign services suppliers</u></p> <p>Specific categories of employees listed below who are hired temporarily by a</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>service supplier with a commercial presence in Mauritius in the context of provision of a service in Mauritius.</p> <p><b>(i) Managers are:</b></p> <p>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><b>(ii) Executives are:</b></p> <p>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><b>(iii) Specialists are:</b></p> <p>Persons who possess high qualifications and 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</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>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>(c) <u>Contractual Service Suppliers – Employees of juridical persons</u></p> <p>(i) Employees of a foreign based company or partnership who travel to Mauritius temporarily 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 temporarily 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</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>and employees should have appropriate educational and professional qualifications relevant to the services to be provided</p> <p>(d) Independent professionals :</p> <p>(i) Natural persons who travel to Mauritius temporarily for short periods of stay up to twelve months with permission for extending for a maximum of three months 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>		
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>COMMUNICATION SERVICES</b>			

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
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 <sup>5</sup> . 4) Unbound except as listed under horizontal commitments		1) None 2) None 3) None. 4) Unbound except as listed under horizontal commitments.	Mauritius undertakes additional commitments on basic telecommunication services as set out in the attached reference paper hereto.
	((b) Packet switched data transmission services (CPC 7523**) (c) Circuit switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7523**) (f) Facsimile services (CPC 7521**+7529**)	1) None 2) None 3) None, except for mobile satellite based services which has a licensing requirement 4) Unbound except as listed under horizontal commitments		1) None 2) None 3) None. 4) Unbound except as listed under horizontal commitments	

<sup>5</sup> 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	Additional commitments
<p>Private leased circuit services (CPC 7522**+7523**) (h) Electronic Mail (CPC 7523**) (i) Voice Mail (CPC 7523**) (j) Online information and data base retrieval (CPC 7523**) (k) Electronic Data Interchange (CPC 7523**) (l) Enhanced/ value added facsimile services, incl store and forward, store and retrieve (CPC 7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (incl transaction processing) (CPC 843**) (o) Others (i) Paging (ii) Private Mobile Radio (iii) Equipment rental services (iv) Equipment sales services (v) Equipment maintenance services (vi) Mobile services (satellite-based)</p>	<p>Limitations on market access</p> <p>Limitations on national treatment</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
<b>FINANCIAL SERVICES</b>			
A. All Insurance and Insurance-Related Services			
(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>	
(b) Re-insurance and retrocession (CPC 81299*)	<p>1),2),3) None except for compulsory reinsurance of at least 5% to be placed with African Reinsurance Corporation.</p> <p>4) Unbound, except as indicated in the horizontal commitments.</p>	<p>1),2),3) None</p> <p>4) Unbound, except as indicated in the 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	
(c) Insurance Intermediation comprising (i) Agents	<p>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.</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) Insurance Agents must act only for insurers licensed in Mauritius</p> <p>4) Unbound, except as indicated in the horizontal commitment.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal commitment.</p>		
(ii) Brokers	<p>Non-resident service suppliers cannot solicit business or conduct active marketing in Mauritius without being licensed by Mauritian Authorities.</p> <p>1) None, except for insurance of assets situated in Mauritius and insurances which are compulsory in Mauritius including compulsory Third Party Insurance.</p> <p>2) None</p> <p>3) 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 commitment.</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
(d) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services CPC (81404)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal commitment.</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal commitment.</li> </ol>	
Average and loss adjustment Services (CPC 81403)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal commitment</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal commitment</li> </ol>	
Salvage Administration Services (CPC 81405)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal commitment</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal commitment</li> </ol>	

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	
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, travelers 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.		

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	
(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		

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	
(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 processing and data related software by suppliers of other financial services	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None,</li> <li>4) Unbound, except as indicated in the horizontal commitment</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal commitment</li> </ol>	
TOURISM SERVICES			
(1) Hotel Services CPC 641	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Foreign establishment must be staffed predominantly by Mauritians except for scarcity areas</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ol>	
(2) Restaurant Services (CPC 642 + 643)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Priority will be given to innovative projects and new cuisines</li> <li>4) Foreign establishments must be staffed predominantly by Mauritians except for scarcity areas</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ol>	

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) 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.	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	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(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.	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.	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.	

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	
(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		
<b>11. TRANSPORT SERVICES</b>				
<b>A. Maritime Transport Services</b>				
Subsidies limited to nationals only				

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
<u>To supply the service through commercial presence, companies have to be incorporated in Mauritius</u>			
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	
<b>Air Transport Services</b>			
a) Computer Reservation System (CRS) as defined in the GATS Annex on Air	1) None	1) 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	
Transport Services	2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments	2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments		
<b>b) Maintenance and repair aircraft as defined in the GATS Annex on Air Transport Services</b>	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>c) Selling and marketing of air transport services as defined in the GATS Annex on Air Transport Services</b>	1) None 2) None 3) Service must be provided through an Agent for non-BASA countries. 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>SERVICES AUXILIARY TO ALL MODES OF TRANSPORT</b>				

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	
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.		

**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
<p><b>I. HORIZONTAL COMMITMENTS</b></p> <p>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)</p> <p><b>ALL SECTORS INCLUDED IN THIS SCHEDULE</b></p>	<p>(4) Unbound, except for measures relating to entry and temporary stay of natural persons of a COMESA member state who fall in one of the following categories:</p> <p>(a) <b>Business Visitors:</b> 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:</p> <p>(i) Negotiating for the sale of the services of that business;</p> <p>(ii) Entering into agreements to sell services for that business;</p> <p>(iii) Participating in business meetings or preparing for the establishment of a commercial presence, where those representatives will not be engaged 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>(1), (2), (3), (4) subsidies is unbound.</p> <p>3) Foreign services suppliers may lease/rent non-movable property for up to two years without requiring sanction from government.</p> <p>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.</p> <p>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 .</p> <p>Or</p> <p>The use of land is not in line with the land use plan of the particular area.</p> <p>Foreigners may also acquire freehold land held in private ownership on inner island<sup>6</sup> subject to government sanction.</p> <p>(4) Unbound except for measures concerning the categories of natural persons referred to in the Market</p>	

<sup>6</sup> Inner islands: Mahe , Praslin, La-Digue , Silhouette, Cerf and St Anne island

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>I. HORIZONTAL COMMITMENTS</b></p> <p>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)</p> <p><b>ALL SECTORS INCLUDED IN THIS SCHEDULE</b></p>	<p>(4) Unbound, except for measures relating to entry and temporary stay of natural persons of a COMESA member state who fall in one of the following categories:</p> <p>(a) <b>Business Visitors:</b> 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:</p> <p>(i) Negotiating for the sale of the services of that business;</p> <p>(ii) Entering into agreements to sell services for that business;</p> <p>(iii) Participating in business meetings or preparing for the establishment of a commercial presence, where those representatives will not be engaged 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>(1), (2), (3), (4) subsidies is unbound.</p> <p>3) Foreign services suppliers may lease/rent non-movable property for up to two years without requiring sanction from government.</p> <p>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.</p> <p>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 .</p> <p>Or</p> <p>The use of land is not in line with the land use plan of the particular area.</p> <p>Foreigners may also acquire freehold land held in private ownership on inner island<sup>6</sup> subject to government sanction.</p> <p>(4) Unbound except for measures concerning the categories of natural persons referred to in the Market</p>	

<sup>6</sup> 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>professional or managerial employees.</p> <p>(iv) Exercises discretionary authority over day to day operations.</p> <p><b>Executives:</b> Natural persons within the organization who primarily direct the management of the organization or a 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><b>Specialists:</b> 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 of</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
	<p>two year, which may be renewed.</p> <p><b>(c) Contractual services suppliers:</b> Contractual service suppliers are employees of juridical persons of a COMESA Member State 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> <ul style="list-style-type: none"> <li>- Legal advisory on foreign and International law services (CPC 861**)</li> <li>- Accounting and bookkeeping services, excluding Auditing services(CPC 862**)</li> <li>- Architectural services (CPC 8671)</li> <li>- Environmental services (CPC 94010, 94020, 9405.)</li> <li>- Urban Planning and landscape architectural services (CPC 8674)</li> <li>- Engineering services (CPC 8672)</li> <li>- Integrated engineering services</li> </ul>	Additional 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
	<p>(CPC 8673)</p> <ul style="list-style-type: none"> <li>- Primary, Secondary education services (CPC 92110, 92190, 92220, 92230, 92240, 92310,</li> <li>- Medical &amp; Dental services (CPC 93122, 93123)</li> <li>- Veterinary services (CPC 932)</li> </ul>		
	<p><b>(d)</b> <b>Independent Professionals:</b> 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"> <li>- Computer &amp; related services (CPC 841-845 + 849)</li> <li>- Banking and other financial services (excluding insurance services) (CPC 8111 - 81119, 8112, 8113, 81199, 8131 – 8133)</li> <li>- Tour Operator services (CPC 7471)</li> <li>- Hotels and restaurants (incl.</li> </ul>		

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>catering) (CPC 641 - 643)</p> <ul style="list-style-type: none"> <li>- Primary and secondary education services (CPC 92110, 92190, 92220, 92230, 92240, 92310)</li> <li>- Medical and dental services (CPC 93122, 93123)</li> <li>- Services provided by midwives, nurses, physiotherapists and Paramedical personnel (CPC 93191)</li> </ul> <p><b>(e) <u>Installers and maintainers</u></b></p> <p>Qualified specialists supplying installation 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.</p>		
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. PROFESSIONAL SERVICES</b>			
(a) Legal Services (CPC 861**)	(1) None.	(1) None.	(1) 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
- (limited to Legal advisory services on foreign and International law)	(2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments.	(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 (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.	
- Auditing Services (CPC 86211)	(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) Taxation Services - Business tax planning and consulting Services (CPC 86301)	(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.	
- Business tax preparation and review services (CPC 86302)	(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.	
- Individual tax preparation and planning services (CPC 86303)	(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
- Other tax related services (CPC 86309)	(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) Unbound, except as indicated in the horizontal commitments. (1) None (2) None. (3) None (4) Unbound, except as indicated in the horizontal commitments.	
(d) Architectural services (CPC 8671)	(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) Engineering services (CPC 8672)	(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.	
(f) Integrated Engineering Services (CPC 8673)	(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.	
(g) Urban planning and landscape architectural services (CPC 8674)	(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) 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.	(1) 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
(j) Services provided by midwives, nurses, physiotherapists and Paramedical personnel (CPC 93191)	(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) 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>B. COMPUTER AND RELATED SERVICES</b>			
(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 horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the 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	(1) None. (2) None. (3) Foreign equity limited to 49%	(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
computer(CPC 84500)	(4) Unbound, except as indicated in the horizontal commitments.	(4) Unbound, except as indicated in the horizontal commitments.	
(f) Other	(1) None.	(1) None.	
- Data preparation services (CPC 84910)	(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.	
<b>E. RENTAL/LEASING SERVICES WITHOUT OPERATORS</b>			
(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.	
<b>F. OTHER BUSINESS SERVICES</b>			
(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	(1) None. (2) None.	(1) 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
services only (CPC866**)	(3) None. (4) Unbound, except as indicated in the horizontal commitments.	(3) None. (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.	
<b>2. COMMUNICATION SERVICES</b>			
<b>A. and B. Postal and Courier Services (including express delivery services)</b>			
Services relating to the handling 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.

<sup>7</sup> The commitment on postal and courier services and express delivery services applies to commercial operators of all forms of ownership, both private and state.

<sup>8</sup> "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 medium<sup>9</sup>, including: - Hybrid mail service - Direct mail</p> <p>(ii) Handling of addressed parcels and packages<sup>10</sup></p> <p>(iii) Handling of addressed press products<sup>5</sup></p> <p>(iv) Handling of items referred to in (i) to (iii) above as registered or insured mail</p> <p>(v) Express delivery services<sup>6</sup> for items referred to in (i) to (iii) above</p> <p>(vi) Handling of non-addressed items</p> <p>(vii) Document exchange<sup>7</sup></p> <p>(viii) Other services not elsewhere</p>			

<sup>9</sup> E.g. letters, postcards.

<sup>10</sup> Books and catalogues are included in this subsector.

<sup>5</sup> Magazines, newspapers and periodicals.

<sup>6</sup> Express 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.

<sup>7</sup> Provision 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
specified.			
<b>C. TELECOMMUNICATION SERVICES</b>			
Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBTW/2/Rev.1) and "Market Access Limitations on Spectrum Availability" (S/GBTW/3).			
<b>Basic Telecommunication Services:</b>			
(a) Voice telephone service (CPC 7521)	(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.	The Republic of Seychelles undertakes the obligations contained in the attached Reference Paper with respect to provision of basic telecommunication services.
(b) Packet-switched data transmission (CPC 7523*)			
(c) Circuit-switched data transmission (CPC 7523**)			
(d) Telex services (CPC 7523*)			
(e) Telegraph services (CPC 7522)			
(f) Facsimile Services (CPC 7521** + 7529**)			
(g) Private leased circuit services (CPC 7522** + 7523**)			
(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.	
<b>Value Added Services:</b>			
(h) Electronic mail (CPC 7523**)	(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) Voice Mail (CPC 7523**)			
(l) 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**)			

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
(m) Code and Protocol conversion (n) Online information and data processing (incl. Transaction processing (CPC 843**))			
<b>4. Distribution services</b>			
(c) Retailing services (CPC 631 + CPC 632)	(1)None. (2) None. (3)None, except that it will be subject to Economic Needs Test <sup>11</sup> (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.	
<b>5. EDUCATIONAL SERVICES</b>			
<b>A. Primary education services</b>			
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.	
<b>B. Secondary education services</b>			
- 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	

<sup>11</sup>Economic 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>C. Higher education services</b>			
- 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.	
<b>D. Other Education Services</b>			
- 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.	
<b>6. ENVIRONMENTAL SERVICES</b>			
A. Sewage services (CPC 94010**)	(1)Unbound. (2)None. (3)None, except that every project and activities need to go through an Environmental Impact Assessment as required by the Ministry responsible for Environment. An Environmental Impact Assessment Study shall contain a true statement and description of:	(1)Unbound. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	
- (limited to Sewage treatment)  (B) Refuse disposal services (CPC 94020**) - (limited to Disposal services by incineration )			

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>(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;</p> <p>(b) the principle, concept and the purpose of the project or the activity;</p> <p>( c) the technical aspects relating to the project or the activity;</p> <p>(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;</p> <p>(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;</p> <p>(f) the inevitable adverse effects that the</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>project or the activity is likely to have on the environment if it is implemented in the manner proposed by the proponent;</p> <p>(g) the irreversible and irretrievable impact on the commitments of resources which will be involved by the project or the activity;</p> <p>(h) the actions or measures proposed for compensating physically or financially for any resulting loss or damage to the environment.</p> <p>(i) a study of the feasible alternatives considered,</p> <p>including a summary of all the expected impacts;</p> <p>(j) an environmental monitoring programme;</p> <p>(k) such other information as may be necessary to a proper review of the potential environmental impact of the project or the activity .</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
(C). Noise abatement services (CPC 94050)	(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.	
<b>7. FINANCIAL SERVICES</b> The commitments in financial services are made in accordance with the General Agreement on Trade in Services (GATS) and the Annex on Financial Services.			
<b>A. Insurance and Insurance-related Services.</b>			
(i) Direct insurance (including co-insurance)			
(a) Life insurance services (CPC 8121)	(1) Unbound. (2) None.	(1) Unbound. (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
	(3)None. (4)Unbound, except as indicated in the horizontal commitments.	(3)None. (4)Unbound, except as indicated in the horizontal 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>B. Banking and other financial services (excluding insurance )</b>			
(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,			

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>but not limited to futures and options(81339**)</p> <ul style="list-style-type: none"> <li>- Exchange rate and interest rate instruments, including such as swaps, forward rate arrangements, etc.(81339**)</li> <li>- transferable securities(81321*)</li> <li>- other negotiable instruments and financial assets, including bullion(81339**)</li> </ul> <p>(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)</p>			
<p>(h) Money broking (CPC 81339**)</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, custodial depository and trust services (CPC 8119** - 81323*)</p>	<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
(l) 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)	(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.	
(l) Provision and transfer of financial information, and financial data processing related software by providers of other financial services (CPC 8131)	(1) Unbound, except as indicated in the horizontal commitments.	(1) Unbound, except as indicated in the horizontal commitments.	
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
<b>A. Hospital services</b>			
(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.	



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>B. Other human health services</b>			
- Ambulance services (CPC 93192)	(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.	
- Residential health facilities other than hospital services (CPC 93193)			
- Other human health services ) including services in the field of : morphological or chemical pathology, bacteriological, virology, immunology (CPC 93199**)			
<b>C. Social services</b>			
- Welfare services delivered through residential institutions to children and other clients (CPC 93312)	(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.	
- Other social services with accommodation (CPC 93319)			

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>9. TOURISM AND TRAVEL-RELATED SERVICES</b>			
<b>A. Hotels and restaurants (including catering)</b>			
- Hotels and other lodging services (CPC 64110) (excluding establishment with less than 15 units)	(1)None (2)None. (3)None, except that for hotel establishments with 16-24 units (excluding staff – Quarters) located on Mahe, Praslin, La Digue, Silhouette, Cerf and St Anne island, foreign equity is 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 , (2) None. (3)None, except that for hotel establishments with 16-24 units (excluding staff – Quarters) located on Mahe, Praslin, La Digue, Silhouette, Cerf and St Anne island, foreign equity is 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 21 <sup>12</sup> covers	(1)Unbound. (2)None.	(1)Unbound. (2)None.	

<sup>12</sup> 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
	(3)None (4)Unbound, except as indicated in the horizontal commitments.	(3)None. (4)Unbound, except as indicated in the horizontal commitments.	
- Motel lodging services (CPC 6412) (excluding establishments with less than 15 units )	(1)None (2)None. (3)None. except that for hotel establishments with 16-24 units (excluding staff – Quarters) located on Mahe, Praslin, La Digue, Silhouette, Cerf and St Anne island, foreign equity is 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>B. Travel agencies and tour operators services</b>			
Tour operator services (CPC 7471) <sup>13</sup> (excluding travel agents)	(1)None. (2)None. (3)None, except that foreign equity limited to 49%. (4)Unbound, except as indicated in	(1)None. (2)None. (3)None. (4)Unbound, except as indicated in the horizontal commitments.	

<sup>13</sup>Means 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
<b>10. RECREATIONAL , CULTURAL AND SPORTING SERVICES</b>			
<b>A. Entertainment services (including theatre, live bands and circus services)</b>			
- Theatrical producer, singer group, band and orchestra entertainment services (CPC 96191)	(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.	
- 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)			
<b>C. Libraries, archives, museums and other cultural services</b>			
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.	

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>11. Transport Services</b>			
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.

**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
<p>1. Horizontal commitments</p> <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; <b>Intra-corporate</b> 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><b>Business Visitors</b> 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>		

**TRANSPORT SERVICES**

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

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS	ELIMINATION DATE
<b>C. Air Transport Services</b>				
Air Transport Service (CPC 731, 732, 734, 746, and 8868)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>		
<b>D. Rail Transport Services</b>				

7111-7113, 8868**) And 743)	2) None 3) None 4) Unbound, except as indicated in the horizontal section. . Intra- corporation transferees cannot exceed	2) None 3) None 4) Unbound, except as indicated in the horizontal section		
<b>E. Road Transport Service</b>				
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		
<b>11. SECTOR COMMITMENTS</b>				
<b>SECTOR OR SUB-SECTOR</b>	<b>LIMITATIONS ON MARKET ACCESS</b>	<b>LIMITATIONS ON NATIONAL TREATMENT</b>	<b>ADDITIONAL COMMITMENTS</b>	<b>ELIMINATION DATE</b>
<b>Tourism and Travel Related Services</b>				
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)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) Unbound</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) Unbound</li> </ol>		
<b>section</b>				
<b>Communication Services</b>				
B. Courier Services (CPC 7512)	<p><b>a. Universal Service:</b></p> <ol style="list-style-type: none"> <li>1) unbound</li> <li>2) unbound</li> <li>3) unbound</li> <li>4) Unbound.</li> </ol> <p><b>b. Express Mail:</b></p> <ol style="list-style-type: none"> <li>1) None, the service provider should be licensed by the regulatory authority.</li> <li>2) None</li> <li>3) None, the service provider should be licensed from the regulatory authority.</li> <li>4) Unbound, except as indicated in the Horizontal Section.</li> </ol>	<p><b>a.</b></p> <ol style="list-style-type: none"> <li>1) unbound</li> <li>2) unbound</li> <li>3) unbound</li> <li>4) Unbound</li> </ol> <p><b>b. Express Mail:</b></p> <ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the Horizontal Section</li> </ol>		<p>Universal service include: Sudapost has exclusivity for 10 years (2022)</p> <p>express mail includes: parcels, mail above 2 kilos</p>
<b>D. Basic Telecommunication Services</b>				

<p>a) Voice telephone services (CPC 7512)  b) Packet-switched data transmission services (CPC 7523**)  c) Circuit-switched data transmission services (CPC 7525**)  g) Private leased circuit services (CPC)</p> <p>Value –added services  d) Telex services (CPC 7523**)</p>	<p>1) None.  2) None.  3) None except an economic test is required  4) Unbound, except as indicated in the Horizontal section.</p>	<p>1) None.  2) None.  3) None  4) Unbound, as indicated in the Horizontal section.</p>	<p>Sudan undertakes the obligations contained in the Reference paper attached.   The Telecom market id reviewed every three years by the Telecom Regulatory Authority NTC</p>
<p>e) Telegraph services (CPC 7522**)  f) Facsimile services (CPC 7521**+7529**)  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, including store and forward, store and retrieve (CPC 7523**)  m) Code and protocol conversion (N.A.);  n) On-line information and/or data processing (including transaction processing) (CPC 843**)</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>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>	<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, as indicated in the Horizontal section.</p>	<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. 2) None. 3) None except an economic test is required. 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>2) Global mobile personal communications by satellite (GMPC)</p>	<p>1) None. 2) None.</p>	<p>1) None. 2) None.</p>	
<p>(75213**)</p>	<p>3) None 4) Unbound, except as indicated in the Horizontal section.</p>	<p>3) None. 4) Unbound, except as indicated in the Horizontal section.</p>	
<p>3) Value Added Services and ISPs</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>	

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

<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'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
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>All sectors included in this schedule</p>	<p>4) Unbound, except for:</p> <p><b>Intra-corporate Transferees:</b>                      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 <b>ten expatriates</b>. They must have at least two-year prior employment in the home country. Allowed to stay for <b>five years</b> that can be extended.</p> <p><b>Business Visitors</b>                      Personnel employed by a service company abroad that enters Swaziland 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>4) Unbound except as for intra-corporate transferees and business visitors, as described in the market access column</p>	
<b>II. SECTORAL COMMITMENTS</b>			
<b>COMMUNICATION SERVICES</b>			
<b>B. Courier Services (CPC 1)</b>	None	None	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
7512)	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	
<b>Multi-modal Courier services (CPC 75122)</b>	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>D. Audiovisual services</b>	5) None 6) None 7) None 8) Unbound, except as indicated in the horizontal section	5) None 6) None 7) None 8) Unbound, except as indicated in the horizontal section	
<b>b. Motion picture projection service(CPC 9612)</b>			
<b>FINANCIAL SERVICES</b>			
5) Insurance services			
<b>Life (8121) and Non-life insurance services (8129)</b>	5) Unbound 6) None 7) 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. 8) 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
<p><b>c. Reinsurance and retrocession (CPC 81299*)</b></p>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>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.</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) 25% of Board of Directors must be Swazi citizens 30% of company income must be invested in Swaziland</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	
<p><b>d. Auxiliary services, (CPC 8140) including broking and agency services, excluding CPC 81409 (other services auxiliary to insurance and pension funding)</b></p>	<ol style="list-style-type: none"> <li>5) Unbound</li> <li>6) None</li> <li>7) Only through a resident intermediary</li> <li>8) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>5) Unbound</li> <li>6) None</li> <li>7) None</li> <li>8) Unbound, except as indicated in the horizontal section</li> </ol>	
<b>B. Banking and other financial services</b>			
<p><b>a. Acceptance of deposits and other repayable funds from the public (CPC 81116-81119)</b></p>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) 50% of the Members of the Board of Directors must be Swazi citizens, Minimum requirement for foreign suppliers</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	
<p><b>Wholesale deposit services (CPC 81115)</b></p>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) Unbound, except as</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) Unbound, except as</li> </ol>	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	indicated in the horizontal section	indicated in the horizontal section	
b) Lending of all types including, inter alia, consumer credit, mortgage credit, factoring and financing of consumer transactions (CPC8113)	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) 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 interest rate instruments...(CPC 81339**, 81333, 81321*)	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	
i) Asset Portfolio Management	1) None	1) None	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 81323*)	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	
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 and strategy (CPC 8131+8133)	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	
l) 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	
<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel and Restaurants, including catering (CPC 641-642), excluding CPC 64199	5) None 6) None 7) None	5) None 6) None 7) None	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
and 643 (other lodging services and beverage services for consumption on the premises)	8) Unbound, except as indicated in the horizontal section	8) Unbound, except as indicated in the horizontal section	
<b>B. Travel agencies and tour operators services (CPC 7471)</b>	5) None 6) None 7) None 8) Unbound, except as indicated in the horizontal section	5) None 6) None 7) None 8) Unbound, except as indicated in the horizontal section	
<b>C. Tourist guide services (CPC 7472)</b>	5) None 6) None 7) None 8) Unbound, except as indicated in the horizontal section	5) None 6) None 7) None 8) Unbound, except as indicated in the horizontal section	
<b>TRANSPORT SERVICES</b>			
<b>F. Road Transport Services</b>			
<b>a. Passenger transportation (CPC 7121+7122)</b>	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	
<b>b. Freight transportation (CPC 7123) (except cabotage)</b>	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	
<b>c) Rental of commercial vehicles with operator (CPC 7124)</b>	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) 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	
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	
<b>H. Services auxiliary to all modes of transport</b>			
a) 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	
b) Storage and warehouse services (CPC 742)			
c) Freight transport agency services (CPC 748)			

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).

**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
<p><b>I. HORIZONTAL COMMITMENTS</b></p> <p>All sectors included in this schedule</p>	<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><b>(A) Business Visitors</b></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 (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>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>(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"> <li>• Will not receive any remuneration from a source located within Uganda.</li> <li>• 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)</li> </ul> <p><b>(B) Intra-Corporate Transferees:</b>  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</p>		

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>hereunder:</p> <p><b>a) Managers:</b> 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:</p> <p>(i) Directing the establishment or a department or sub-division thereof;</p> <p>(ii) Supervising and controlling the work of other supervisory, professional or managerial employees; and</p> <p>(iii) Having the authority personally to recruit and dismiss or recommend recruiting, dismissing or other personnel actions.</p> <p><b>b) Specialists:</b> Persons working within a juridical person who possesses uncommon knowledge essential to the</p>		

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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><b><u>(C) Contractual Service Suppliers</u></b>  <b><u>- Employees of juridical persons:</u></b></p> <p>Employees of a foreign based service supplier, who have been 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</p>		

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>services to be provided</p> <p><b>(D) Independent professionals:</b></p> <p>(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 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.</p>		
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>COMMUNICATION SERVICES</b>			
<b>A. Postal Services (CPC 7511) and Courier Services (CPC 7512)</b>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>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</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound, except as indicated in the horizontal section</li> </ol>	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>C. Telecommunication services</b> (All telecommunication services, as set out in W/120)	5) None 6) None 7) 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; 8) Unbound, except as indicated in the horizontal section	5) None 6) None 7) None 8) Unbound, except as indicated in the horizontal section	
<b>D. Audiovisual services (CPC 9611-9613)</b>	9) None 10) None 11) None 12) Unbound, except as indicated in the horizontal section	9) None 10) None 11) None 12) Unbound, except as indicated in the horizontal section	
<b>FINANCIAL SERVICES</b>			
<b>A. INSURANCE SERVICES</b>			
<b>a. Life, Accident and Health insurance services (CPC 8121)</b>	9) None 10) None 11) None except for; Joint venture with Local operators (51% for foreigners and 49% for local content) and training of locals is a requirement 12) Unbound, except as indicated in the horizontal section	6) None 7) None 8) Training of locals is a requirement 9) None, except as indicated in the horizontal section	
<b>b. Non-life insurance services (CPC8129)</b>	1) None 2) None 3) None except for; Joint venture with Local operators (51% for foreigners and 49% for local	1) None 2) None 3) Training of locals is a requirement 4) Unbound, except as indicated in	171

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	content) and training of locals is a requirement 4) Unbound, except as indicated in the horizontal section	the horizontal section	
<b>c. Reinsurance and retrocession (CPC 81299*)</b>	1) None 2) None 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%. 4) Unbound, except as indicated in the horizontal section	5) None 6) None 7) Training of locals is a requirement 8) Unbound, except as indicated in the horizontal section	
<b>d. Services auxiliary to insurance (CPC 8140)</b>	9) None 10) None 11) None except as in HC 12) Unbound, except as indicated in the horizontal section	9) None 10) None 11) Training of locals is a requirement 12) Unbound, except as indicated in the horizontal section	
<b>B. Banking and other financial services</b>			
<b>All banking and other financial services excluding Insurance (a-l) with their relevant CPCs</b>	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>TOURISM AND TRAVEL RELATED SERVICES</b>			
<b>A. Hotel and Restaurants, including catering (CPC 641-643) and excluding</b>	9) None 10) None 11) None	9) None 10) None 11) None	



Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
investment zones where Government has granted concessions to Hotels each with a radius of 25 Kilometers for 30 years	12) Unbound, except as indicated in the horizontal section	12) Unbound, except as indicated in the horizontal section	
B. Travel agencies and tour operators services (CPC 74721)	9) None 10) None 11) None, except foreign companies are required to have joint ventures with the local operators 12) Unbound, except as indicated in the horizontal section	9) None 10) None 11) None 12) Unbound, except as indicated in the horizontal section	
Tourist guide services (CPC 74712)	9) None 10) None 11) Unbound except for; Joint venture with Local operators and training of locals is a requirement 12) Unbound, except as indicated in the horizontal section	9) None 10) None 11) None 12) Unbound, except as indicated in the horizontal section	
<b>TRANSPORT SERVICES</b>			
<b>B. Internal Waterways Transport</b>			
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	
<b>C. Air Transport Services</b>			
Air Transport Services	1) None	1) None	

Sector or sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 731, 732, 734, 746 and 8868**)	<ol style="list-style-type: none"> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	
<b>E. Rail Transport Services</b>			
Rail Transport Services (CPC 7111-7113, 8868** and 743)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None, except for; (Mombasa to Kampala route) where Government has granted concession to Rift Valley Railways Company Limited</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	
<b>F. Road Transport Services</b>			
Road Transport (CPC 7121-24, 6112, 8867 and 744)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	
<b>G. Pipeline Transport Services</b>			
Pipeline Transport (CPC 7131 and 7139)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ol>	



**THE REPUBLIC OF ZAMBIA  
TRADE IN SERVICES SCHEDULE IN ZAMBIA**

Modes of Supply: (1) Cross-Border Supply (2) Consumption Abroad (3) Commercial Presence (4) Presence of Natural Persons

**HORIZONTAL COMMITMENTS  
ALL SECTORS INCLUDED IN THIS SCHEDULE**

Sector/Subsector	Market Limitations	Access	National Limitations	Treatment	Additional commitments
	<p>(3) foreign company must have any of the following in Zambia:</p> <ul style="list-style-type: none"> <li>- a branch or management office</li> <li>- an office for the registration of transfer of shares.</li> </ul> <p>Service providers must be incorporated or registered in Zambia</p> <p>(4) Unbound, except for measures concerning the entry and temporary stay of natural persons employed in management and expert jobs for the implementation of foreign investment. The employment of such persons shall be agreed upon by the contracting</p>		<p>(3) All companies are required to have a secretary who is resident in Zambia if an individual or is incorporated in Zambia if a body corporate</p> <p>More than 50% of the Board of Directors of a company shall be resident in Zambia.</p> <p>At least one local director shall be resident in Zambia and if the company has more than 2 directors, more than half of them should be resident in Zambia</p> <p>A Company is required to designate a local Director who is resident in Zambia</p>		<p>All land in Zambia shall vest absolutely in the President and shall be held by him in perpetuity for and on behalf of the people of Zambia. All land applications are made through the Ministry of Lands</p> <p>The President may alienate land to a foreigner</p> <p>(a) where the non- Zambian is a permanent resident;</p> <p>(b) Where the non-Zambian is an investor under the investment Act of a law promoting investment in Zambia;</p> <p>(c) where the non- Zambian obtains the President's consent in writing;</p> <p>(d) where the non-Zambian is a company registered under the Companies Act and not less than 25% of the issued shares are owned by Zambians;</p> <p>(e) where the non-Zambian is a statutory Corporation;</p> <p>(f) where the interest or right arises from a lease sub-lease or under-lease for a period</p>

	parties and approved by Government of Zambia	as the local chairperson (4) Unbound, except for measures concerning the categories of persons referred to in the market access column Enterprises must also provide for training in higher skills for Zambians to enable them to assume specialized roles	that does not exceed 5 years or a tenancy agreement; (g) where the interest or right is inherited
<b>SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
b. Accountancy services (CPC 862)	(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. Medical and Dental Services (CPC9312)	(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. Services provided by midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	(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>F. Other Business Services</b>			
e. Technical testing and analysis services (CPC 8676)	(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	

	section	section	section
h. Services incidental to mining (CPC 883 + 5115)	(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
<b>2. COMMUNICATIONS SERVICES</b>			
<b>A. Postal Services (7511)</b>			
Postal Services Related to letters (CPC 75111) Postal Services related to parcels (CPC 75112) The following are excluded when they fall under the scope of reserved services for the Zambia postal services:	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound except for items weighing upto 1kg (4) Unbound except as indicated in the horizontal section	Any services provided by the Zambia postal services corporation can be done by an agent or franchisee and in compliance with the license held by the corporation
(i) All addressed letters, postcards printed matter, small parcels and other postal articles <sup>14</sup> of a mass up to and including one kilogramme or size which enables it to fit in a rectangular box of dimensions: Length: 458mm, width: 324mm and thickness:100mm. (ii) Cylinder with a maximum length of 458mm and thickness of 100mm			

<sup>14</sup> Letter, postcards, card, envelope, book, packet, pattern, sample packet, parcel or other article when in the course of transmission by the post, or a telegram when conveyed by post

<p>(iii) Items in (i) and (ii) above as registered or insured mail</p> <p>(iv) Issuing of postage stamps</p> <p>(v) The provision of roadside collection and address boxes</p> <p>(vi) Document exchange</p> <p>(vii) Unaddressed mail</p> <p>(viii) Services not elsewhere specified</p>			
<p>Post Office Counter Services (75113)</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 postal services (boxes rentals, poste restante and public postal services (CPC 75119))</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><b>B. Courier Services (7512)</b></p>			
<p>Multimodal courier services (CPC 75121)</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 except for re-mailing and items weighing upto 1kg</p> <p>(4) Unbound except as indicated in the horizontal section</p>	
<p><b>C. Telecommunications Services (752)</b></p>			

<p>a. Voice Telephone Services: Public(CPC 7521) - Fixed Telephony - Mobile Telephone</p>	<p>(1) Unbound and call services currently permitted) (2) Unbound (VOIP back not (3) Number of service providers for mobile services is currently 3 and linked to Economic Needs Test undertaken every four years. ENT undertaken periodically and takes into account the following: • Availability of Spectrum • Population levels • Per-capita income • Subscribers • Market Penetration levels • Competition levels • National coverage • Tariff levels (4) Unbound except as indicated in the horizontal section</p>	<p>(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section</p>	
<p>b. and c. data transmission services - Public (CPC 7523) - Fixed and mobile</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>	

a. and b. Voice and data transmission services – Non-public (e.g. VPN services. Inter-corporate networks) (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	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
g). leased circuit services - fixed, mobile and satellite(CPC 7522** + 7523**)	(1) None (2) None (3) None, except for fixed telephony <sup>15</sup> (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
(h) – (n) - Value-added services (VAS) (CPC 7523**, 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	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
Other telecommunication services -paging services, , (CPC 75291)	(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
- teleconferencing services (CPC 75292)	(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
<b>7. FINANCIAL SERVICES</b>			
<b>B. Banking and Other Financial Services (Excl. Insurance)</b>			
(a)Acceptance of deposits and other repayable funds from the public (CPC 81115 -81119)	(1) None (2) None (3) No person may, without prior approval of the Bank of Zambia, acquire more than 25%	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal
(c) financial leasing (CPC 8112)			
(e) guarantees and commitments (CPC 81199**)			

<sup>15</sup> Fixed telephony voice service is still under State Monopoly



	<p>voting shares in a bank or financial institution unless that person is listed on a recognized stock exchange. The Bank of Zambia may prescribe a different voting share limit for financial businesses.</p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p>section</p>	
<p>(b) Lending of all types incl. inter alia consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113)</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>(d) All payment and money transmission services (CPC 81339**)</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>(f) Trading for own account or for account of others, whether on an exchange, in an over-the-counter market or otherwise, the following: - money market instruments (cheques, bills, certificates of deposit etc.) (CPC 81339**) - 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**) none subject to</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>consult</p> <ul style="list-style-type: none"> <li>- transferable securities (CPC 81321)</li> <li>- other negotiable instruments and financial assets incl. bullion(CPC 81339**)</li> </ul>			
<p>(g) participation in issues of all kinds of securities incl. underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues (CPC 8132) limited to:</p> <ul style="list-style-type: none"> <li>- Securities Broking Services (CPC 81321)</li> <li>- Securities issue and registration services (CPC 81322)</li> <li>- Portfolio management services (CPC 81323)</li> </ul>	<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>(h) Money broking management, all forms of collective investment, pension fund and custodial depository and trust services (CPC 81339**i. and 81323*) limited to custodial depository and trust services</p>	<p>(1) None (2) None (3) Pensions Fund Management service providers must be 51% Zambian owned. Same applies to pension administrators and custodians. (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>(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, advice on acquisitions and on corporate restructuring and strategy</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>(CPC 8131 or 8133) limited to: -Financial consulting services (CPC 81332.) including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</p>			
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
<p><b>A. Hotels and restaurant (incl. catering) (CPC 641 – 643)</b></p>	<p>(1) None (2) None (3) None (4) Unbound except in the horizontal section</p>	<p>(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section</p>	
<p><b>B. Travel agencies and tour operator services (CPC 7471)</b></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><b>C. Tourist guides Services (CPC 7472)</b></p>	<p>(1) None (2) None (3) None (4) Unbound except in the horizontal section</p>	<p>(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section</p>	
<b>11. TRANSPORT SERVICES</b>			
<b>B. Internal Waterways Transport</b>			
<p>a. Passenger Transportation - Passenger Transportation by Ferries (CPC 72211)</p>	<p>(1) None (2) None (3) None (4) Unbound indicated in</p>	<p>(1) None (2) None (3) unbound (4) Unbound except as indicated in the</p>	

	Horizontal section	Horizontal section	Horizontal section
<p>b. Freight Transportation</p> <ul style="list-style-type: none"> <li>- Transportation of frozen or refrigerated goods (CPC 72221)</li> </ul>	<p>(1) Unbound (2) None (3) None (4) Unbound except as indicated in the Horizontal section</p>	<p>(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal section</p>	<p>(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal section</p>
<b>F. Road Transportation Services</b>			
<p>a. Passenger Transportation</p> <ul style="list-style-type: none"> <li>- Urban and Sub-urban regular transportation (CPC 71211)</li> </ul>	<p>(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal section</p>	<p>(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal section</p>	<p>(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal section</p>
<p>b. Freight transportation</p> <ul style="list-style-type: none"> <li>- Transportation of frozen or refrigerated goods (CPC 71231)</li> <li>- Transportation of bulk liquids or gases (CPC 71232)</li> <li>- Transportation of containerized freight (CPC 71233)</li> <li>- Transportation with furniture (CPC 71234)</li> <li>- Mail transportation (CPC 71235)</li> </ul>	<p>(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal section</p>	<p>(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal section</p>	<p>(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal section</p>

## Reference Paper for Annex I

### Scope

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

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### 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.

**ANNEX II****COMESA REGULATIONS ON NON-TARIFF BARRIERS**

Pursuant to the provisions of Articles 10, 45 and 49 (1) of the Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA), Council hereby makes the Regulations on Non- Tariff Barriers as follows:

**Preamble**

WHEAREAS the High Contracting Parties signed the Treaty for the Establishment of Common Market for Eastern and Southern Africa on 5 November 1993;

AND WHEAREAS under the provisions of Article 45 of the Treaty, the Member States undertook to cooperate in trade liberalization and development and to eliminate Customs duties and other charges of equivalent effect imposed on imports in the establishment of a Customs Union and to remove Non- Tariff Barriers including quantitative or like restrictions or prohibitions and administrative obstacles to trade among the Member States; and under the provisions of Article 49(1) of the Treaty, the Member States undertook to immediately remove, upon the entry into force of the COMESA Treaty, all the then existing non-tariff barriers to the importation into that Member State of goods originating in the other Member States and thereafter to refrain from imposing any other restrictions or prohibitions.

RECOGNIZING the exceptions as provided for in Article 49 (2) of the Treaty that for purposes of protecting an infant industry, a Member State may, provided that it has taken all reasonable steps to overcome the difficulties related to such infant industry, impose for the purposes only of protecting such industry for a specified period to be determined by Council, quantitative or like restrictions or prohibitions on similar goods originating from the other Member States;

NOTING the provisions of Article 49 (5) of the Treaty that if a Member State encounters balance-of-payments difficulties, it may, provided it has taken all reasonable steps to overcome the difficulties, impose for the purposes only of overcoming such difficulties for a specified period to be determined by the Council, quantitative or like restrictions or prohibitions on goods originating from the other Member States;

RECALLING the decision of the Eleventh Council Meeting held in May 2001, that Member States should implement a Road Map for the elimination of Non- Tariff Barriers, obstacles and restrictions;

RECALLING the decision of the Seventeenth Council Meeting held in June 2004, that Member States should designate COMESA Enquiry Points/NTBs National Focal Points at Ministries of Foreign Trade or other relevant agencies for the purpose of tracking and monitoring NTBs;

RECALLING the decision of the Seventeenth Council of Ministers Meeting held in June 2004, that Member States should use a common form for reporting to the COMESA Enquiry Point or NTBs National Focal Points the NTBs encountered which is designated as the "Form for Reporting NTBs and Other Barriers to Trade in COMESA";

RECALLING the decision of the Seventeenth Council of Ministers Meeting held in June, 2004, that a permanent institutional mechanism be established by December 2004 to monitor and address NTBs on a continuous basis;

RECALLING the decision of the Twentieth Meeting of Council held in December, 2005, that the Secretariat should develop a trade dispute resolution mechanism, which would operate under an institutional framework;



RECALLING the decision of the Twenty First Meeting of Council held in Kigali, Rwanda, in May, 2006, that the Secretariat should put in place a permanent mechanism for expeditious resolution of issues arising from NTBs and Member States should provide advance notification on the introduction of new NTBs which impact on intra-COMESA trade and ensure adherence to Article 49 of the Treaty;

RECALLING the decision of the Twenty Second Council held in November, 2006, that Member states should refrain from introducing new NTBs in conformity with the relevant Treaty provisions and Council decisions;

RECALLING the decision of the Twenty Third Meeting of the Council of Ministers held in Nairobi, Kenya, in May 2007 that the Secretariat should analyze all NTBs reported to and provide technical opinions on them with recommendation, as appropriate, for immediate removal of such NTBs and should submit a report on their elimination at the next Council Meeting; the Secretariat should undertake country missions to resolve outstanding NTBs in a timely manner; and Member States should provide the Secretariat with trade regulatory requirements for all traded products for dissemination to the business community to assist in identifying NTBs in the course of trading;

RECALLING the decision of the Twenty Fourth Council of Ministers meeting held in November 2007, that the Secretariat should finalize the study on a penalty system for NTBs and the impact assessment of prevailing NTBs for submission to the next meeting of the Committee;

RECALLING the decision of the Twenty Fourth Council of Ministers meeting held in November 2007, that the work programme on the NTB reporting form, categorization, elimination matrix, and the guide be implemented by Member States;

RECALLING the decision of the Joint Meeting of Ministers of Trade, Industry and Finance held in Addis Ababa, Ethiopia, in April 2008, that Member States should use the NTB on line monitoring system for reporting NTBs;

CONSIDERING the decision of the Twenty Sixth Meeting of the Council of Ministers held in Victoria Falls, Zimbabwe, in June 2009, that the mechanism for expeditious resolution of NTBs should be operationalised; the National NTB Monitoring Committee (NMC) structures should be formalised in all COMESA Member States for purposes of legitimacy and sustainability of operations; adequate resources need to be sourced by Member States and the Secretariat for the NMCs and National Focal Points (NFPs) to work effectively and consistently;

NOW THEREFORE, THE COUNCIL ADOPTS THE FOLLOWING REGULATIONS:

## **Article 1**

### **Citation**

These Regulations may be cited as the COMESA Regulations on Non- Tariff Barriers.

## **Article 2**

### **Definitions**

1. For the purposes of these Regulations, the definitions set out in the Treaty shall apply. The following definitions and abbreviations shall have the meanings set forth herein:
  - a) National Focal Point: means Ministries/Government Departments or any other authorised body as appointed under Article 6 of these Regulations.

- b) Trade and Customs Committee: means the technical committee responsible for Trade and Customs matters established under Article 7 of the Treaty.
- c) National Monitoring Committee: means committee of relevant stakeholders from private and public sectors as established under Article 5 of these Regulations
- d) Facilitator: means independent expert and/or person agreed upon by concerned parties under Article 11 of these Regulations.

### Article 3

#### Scope and Objectives

Without prejudice to the rights and obligations under the WTO agreements, these Regulations provide for a Mechanism for the identification, categorisation, and elimination of non-tariff barriers within the COMESA region. The mechanism provides for the following:

- a) institutional structures for the elimination of NTBs;
- b) general categorisation of non-tariff barriers in COMESA ;
- c) reporting and monitoring tools; and
- d) facilitation of solutions to identified nontariff barriers.

### Article 4

#### General Categorisation

- 1 This categorization does not judge the legitimacy, adequacy, necessity or discrimination of any form of policy intervention used in international trade and it does not prejudice the rights and obligations of the Member States under the WTO Agreements,
2. The Member States may for guiding purposes adopt the general categorization of potential non-tariff barriers as indicated below;
  - i. Government Participation in Trade and Restrictive Practices Tolerated by Governments
  - ii. Customs and Administrative Entry Procedures
  - iii. Technical Barriers to Trade
  - iv. Sanitary and Phytosanitary Measures
  - v. Specific Limitations
  - vi. Charges on Imports
  - vii. Others
3. In order to ensure that this general categorization, subcategories and sub classifications evolve and adapt to the changing reality of international trade and data collection needs, the Member States, through the Secretariat, may propose changes for consideration and concurrence by other Member States in accordance with Article 15 of these Regulations.

4. The descriptions to these categories, sub-categories with illustrative examples form Annex I to these Regulations on NTBs.

## **Article 5**

### **Institutional Arrangements**

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1. The Member States shall:
  - a) Designate the Trade and Customs e Committee to oversee implementation of these Regulations;
  - b) develop working procedures for the implementation of these Regulations;
  - c) Establish National Monitoring Committees and National Focal Points on NTBs; and
  - d) Provide names and addresses of designated national focal points to the Secretariat for circulation to Member states.
2. The National Monitoring Committees and the National Focal Points together form part of the Institutional Structures at the National level for the Elimination of NTBs.

## **Article 6**

### **National Monitoring Committees**

1. The main functions of the National Monitoring Committees shall include:
  - (a) identifying and monitoring NTBs;
  - (b) defining the process of elimination;
  - (c) confirming deadlines for action;
  - (d) agreeing on recourse due to non-action; and
  - (e) defining the mandate and responsibilities of NTB institutional structures.
2. Where a reported measure has been identified as an NTB, but has not been resolved, the NMC shall proceed to include it in the Time Bound Elimination Matrix for further action/resolution as provided for under Article 10 of these Regulations.
3. The National Monitoring Committee shall comprise of relevant stakeholders representing the private and public sectors.

## **Article 7**

### **National Focal Points**

1. The main functions of the National Focal Points on NTBs shall include:
  - (a) Coordinating the implementation of the COMESA mechanism for the elimination of NTBs;

- (b) providing secretariat services to the National Monitoring Committee (NMC);
- (c) facilitating the removal of NTBs and report on their elimination;
- (d) tracking and monitoring NTBs through utilization of the reporting tools;
- (e) providing clear guidelines to the business community on the areas identified as NTBs;
- (f) sensitizing stakeholders on the monitoring and evaluation mechanism and NTBs reporting tools;
- (g) submitting to the Secretariat copies of the forms reporting Non-Tariff Barriers; and
- (h) providing assistance to the Facilitator in the process of resolving NTBs as necessary.

#### **Article 8**

##### **NTB Monitoring Units**

1. The Secretariat shall establish an NTB Monitoring Unit whose main function will be to coordinate the elimination of NTBs.
2. The NTBs monitoring unit shall be responsible for:
  - a) tracking and monitoring NTBs affecting intra-COMESA trade and updating regional and national plans for the elimination of NTBs;
  - b) providing clear guidelines to the COMESA business community for the resolution of identified NTBs;
  - c) capacity building and sensitisation of stakeholders on the reporting, monitoring and evaluation tools such as the web based system; and
  - d) working closely with national focal points to ensure timely and effective resolution of identified NTBs.

#### **Article 9**

##### **Mechanism for Identifying, Reporting and Monitoring of Non-Tariff Barriers**

1. Any Member state or economic operator may register a complaint or trade concern through the mechanisms as provided for in this article.
2. The mechanism for identifying, reporting and monitoring NTBs will facilitate the elimination of current and future NTBs within the COMESA Region. The reporting and monitoring tools for Non-Tariff Barriers shall consist of a prescribed form, online and other ICT Mechanisms which are subject to periodic review.
3. The NTBs Reporting and Monitoring Mechanism will be available on websites as designated by the Trade and Customs Committee.
4. The NTB mechanism shall enhance transparency and provide for an easy follow-up of reported and identified NTBs.

5. The NTB mechanism shall be accessible to economic operators, government functionaries, Secretariat experts, academic researchers and other interested parties.

## **Article 10**

### **Non-Tariff Barriers Elimination Plans (Matrices)**

1. Member States shall prepare time bound NTBs Elimination Plans which are in the form of a matrix based on the categorisation of NTBs.
2. Member States shall draw up NTBs elimination plan based on the NTBs level of impact on intra-regional trade.

## **Article 11**

### **Elimination and Co-operation in the Elimination of Non-Tariff Barriers**

1. The following provisions in two stages shall apply to activities undertaken by the Member States in resolving NTBs.
2. Where the parties fail to reach an agreement on a complaint or plan for elimination of identified or mutually agreed NTB, Member States may proceed to Stage I.

#### ***Stage I: Request and Response on a Specific NTB***

- a) Any Member State (the 'requesting Member State') may, individually or jointly with other Member States, through the Secretariat, initiate Stage I by submitting in writing to another Member (the 'responding Member State') a request for information regarding a non-tariff barrier as identified and reported by the requesting Member State.
- b) The request shall identify and describe the specific NTB as identified and reported by the requesting Member State and provide a detailed description of its concerns regarding the NTB's impact on trade.
- c) The requesting Member State shall notify its request to the Secretariat, which shall circulate it to the affected Member States.
- d) The responding Member State shall provide, within twenty (20) days, a written response containing all the information and clarification requested. Where the responding Member State considers that a response within this period is not practicable, it shall inform the requesting Member State of the reasons for the delay, together with an estimate of the period within which it will provide its response. In all cases it shall not exceed thirty (30) days from the date of receiving the request for information unless the parties mutually agree to extend the days.
- e) The responding Member State shall notify its response directly to the requesting Member State and the Secretariat.
- f) Where the response is acceptable to the requesting Member State, the requesting Member State shall notify the responding Member State and the Secretariat, and the complaint shall be considered resolved. Where the parties mutually agree on a complaint as being an NTB National Monitoring Committee shall develop an elimination plan as provided for under article 10 of

these Regulations.

- g) Where the response does not resolve the complaint, the requesting Member state(s) shall notify the responding Member State and the Secretariat. The Secretariat shall convene a meeting with the parties within twenty (20) days from the date of receiving the notification to, inter alia, address the outstanding complaint
- h) In case the matter is not satisfactorily resolved in Stage I both parties shall by mutual consent and agreement proceed to Stage II.
- i) The parties shall notify any decision to proceed to Stage II to the Secretariat which shall circulate it to all Member States.
- j) Any other Member State may submit a written request to the Secretariat to participate in these procedures as an interested party within ten (10) days from the date of circulation of the decision to proceed to stage II.
- k) Pending final resolution of the NTB, the parties may consider possible interim solutions, especially if the NTB relates to perishable goods.
- l) In case of perishable goods, all the periods specified in this stage shall be reduced by half
- m) Once initiated stage II shall be terminated upon request of either party.
- n) Stage I proceedings shall not exceed a total of sixty (60) days unless otherwise mutually agreed by the parties.

### ***Stage II: Resolution Procedures***

#### **2.1 Appointment of a Facilitator**

1. Upon initiation of stage II, of these procedures, the Secretariat shall coordinate the appointment of an independent expert/person acceptable to the parties to serve as facilitator.
2. Facilitators shall be drawn from a pool of experts whose selection and appointment shall be in accordance with agreed criteria and procedures to be developed by the Trade and Customs Committee.
3. The Secretariat shall maintain a list of experts from which the facilitators and experts shall be drawn and which should be notified to all Member States.
4. Each Member State may suggest a total of five experts to be on the list. The list shall be annually reviewed provided that no Member State amends its list of facilitators and experts upon the initiation of Stage Two proceedings
5. The parties shall jointly agree on the terms of reference for facilitator.
6. Upon initiation of this stage II, the parties shall agree upon the facilitator within ten (10) days of commencement of this stage.

#### **2.2 Seeking Mutually Agreed Solutions**

1. Either party may present to the facilitator and the other party any information that it deems relevant.

2. The facilitator, in consultation with the parties, shall have full flexibility in organizing and conducting the deliberations under these procedures which normally should take place at the Secretariat headquarters, unless the parties agree on any other place of mutual convenience, taking into account possible capacity constraints.
3. In assisting the parties, in an impartial and transparent manner with a view to bringing clarity on the NTB concerned and its possible trade-related impact, the facilitator may:
  - a) With the support of the Trade and Customs Committee, call upon the Secretariat or any other relevant resource to provide information;
  - b) meet individually or jointly with, the parties, in order to facilitate discussions on the NTB and to assist in reaching mutually agreed solutions;
  - c) seek assistance where necessary, of relevant experts and stakeholders, after consulting with the parties;
  - d) Provide any additional support requested by the parties; and
  - e) Offer advice and propose possible solutions (technical opinion) for the parties provided any such opinion shall not pertain to any possible legitimate objectives for the maintenance of the measure.
4. The parties shall engage each other with a view to reaching a mutually agreed solution within forty five (45) days from the commencement of the proceedings.

### **2.3 Confidentiality**

1. All meetings and information (whether provided in oral or written form) acquired pursuant to stages I & II of these Regulations of these procedures shall be confidential and without prejudice to the rights of any party or other Member State in any dispute settlement proceeding under the Tripartite Dispute Settlement Procedures as outlined in the Court of Justice Procedures. The obligation of confidentiality does not extend to factual information already existing in the public domain.
2. Nothing in these Regulations shall require Member States to disclose confidential information, which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.
3. Any third party admitted to the procedures shall be bound by the confidentiality requirements pursuant to these procedures.

### **2.4 Outcome and Implementation**

1. Upon termination of Stage II of these procedures by a party, or in the event that the parties reach a mutually agreed solution, the facilitator shall issue to the parties, in writing, a draft factual report, providing a brief summary of the following:
  - (a) the NTB at issue in these procedures;
  - (b) the procedures followed;
  - (c) any mutually agreed solution as the final outcome of these procedures, including possible

interim solutions; and

- (d) Any areas of disagreement shall be recorded.
2. The facilitator shall provide the parties ten (10) days within which to comment on the draft report after considering the comments of the parties, the facilitator shall submit, in writing, a final factual report to both parties and the Secretariat within ten (10) days of receiving the comments.
  3. If the parties reach a mutually agreed solution, such solution shall be implemented and also circulated to all Member States through the Secretariat. Such solution shall be implemented in accordance with an elimination plan as provided for under article 10 of these Regulations.
  4. Where a Member State fails to implement an agreed solution to an NTB, Article 171 of the Treaty shall be invoked.

## **Article 12**

### **Transparency and Exchange of Information**

1. The Secretariat shall circulate to Member States biannually, a status report of notified requests and responses and of ongoing and recently completed NTB resolution together with reports from Facilitators.

## **Article 13**

### **Technical Assistance**

1. Member States may request for assistance from the Secretariat to promote their understanding of the use and functioning of these procedures, or the resolution of a NTB.

## **Article 14**

### **Dispute Settlement**

1. Where any Member State fail to agree on implementation of any provisions of these Regulations, and a dispute arises, the matter shall be addressed by the COMESA Court of Justice.

## **Article 15**

### **Review and Amendment**

1. The Council may decide to modify certain procedural aspects of the Mechanism for the Elimination of NTBs.
2. The Council shall undertake a review of the effectiveness of the Mechanism not later than 3 years after its adoption.
3. Based on the outcomes of the review, the council may undertake amendments to these Regulations.



## Article 15

### Entry into Force

1. These Regulations shall enter into force in accordance with Article 12(1) of the Treaty.

### *Annex to the Regulations on NTBs*

#### *General categorization of Non-Tariff Barriers*

1. Government Participation in Trade and Restrictive Practices Tolerated by Government
2. Customs and Administrative Entry Procedures
3. Technical Barriers to Trade
4. Sanitary and Phyto-sanitary Measures
5. Specific Limitations
6. Charges on Imports
7. Other (procedural problems)

#### **Illustrative List of Common Non- Tariff Barriers in COMESA**

- (a) (Customs documentation and administrative procedures – these include non-standardised systems for imports declaration and payment of applicable duty rates, limited customs working hours, different interpretation of the Rules of Origin and non-acceptance of the certificate of origin, application of discriminatory taxes and other charges on imports originating from amongst the three countries, cumbersome procedures for verifying containerised imports, problems in blocking the marketing of counterfeit products, and diversion of transit goods into the region
- (b) Immigration procedures – Cumbersome visa requirements non-standardised visa fees and procedures for application of work permits.
- (c) Quality inspection procedures – delays in inspection of commercial vehicles, cumbersome and costly quality inspection procedures, unnecessary quality inspections (including of products certified by accredited laboratories and of imports originating from the Tripartite region bearing certification marks issued by the tripartite Standards Bureaus), non-standardised quality inspection and testing procedures and varying procedures for issuing certification marks.
- (d) Transiting procedures – non-harmonised transport policies, laws, regulations and standards e.g. road user charges, third party (cross border) motor insurance schemes, vehicle overland controls systems, vehicle dimensions and standards, cross border road permits and Prohibitive transit charges.
- (e) Road blocks – the most serious NTB under this cluster is that the police officers stop commercial vehicles at various inter country road blocks and at border crossing even where there is no proof that goods being transported are of suspicious nature such as smuggled goods or drugs.

- (f) Varying trade regulations
- (g) Duplicated function of agencies involved in verifying quality, quantity and dutiable value of imports and export cargo
- (h) Business registration and licensing
- (i) Cumbersome import and export licensing/permits
- (j) Import and export quotas (except those concerning special sensitive products as may be specified)
- (k) Unnecessary import ban/prohibitions
- (l) Restrictive charges not being import or export duties
- (m) Restrictive single channel marketing
- (n) Pre-shipment inspection most of which have been eliminated
- (o) Import and export bans
- (p) Changes in road and border tolls
- (q) Non-acceptance of certificates and trade documentation
- (r) Incorrect tariff classification.

## ANNEX III

### REGULATIONS ON THE MINIMUM STANDARDS FOR THE TREATMENT OF SMALL SCALE CROSS-BORDER TRADERS IN THE COMESA REGION

#### Introduction

For contiguous COMESA Member States there is a lot of trade that is conducted by small scale cross-border traders. By some estimates, this trade accounts for 35% of total trade. This trade, although looked at with scorn from some quarters, is very important trade because essential products are usually involved and the proceeds from this trade serve as incomes to some families. In general women and the youth are the major participants in this kind of trade.

Complying with border formalities is usually a nightmare for the small scale traders rendering them vulnerable to abuse or violation of their rights. This situation comes about either because the traders are not aware of their rights or because someone intentionally takes advantage and abuses them. This situation calls for the region to come up with some regulations on the minimum standards for the treatment of small scale traders.

#### Informal Trade and Small Scale Trade

It is however important to distinguish between informal trade and small scale trade. Informal trade is usually taken to refer to a form of cross border trade which is unrecorded in official statistics and is carried out by registered or unregistered enterprises within the COMESA region through avoidance of border stations, concealing of goods, under declaration, misclassification and under invoicing among other means. This form of activity prevails through evasion taxes or fees imposed by governments and sometimes in an attempt to avoid formalities (health, agriculture, security, immigration etc.) which are assumed complex and time consuming.

On the other hand, small scale cross border trade is categorized as legitimate cross border trade carried out by commercial players albeit in small quantities. In COMESA, this segment of traders is catered for under the Simplified Trade Regime (STR). Under this system, traders carrying consignments of goods that are on a common list between the two contiguous countries valued at or below US \$1,000 are accorded special facilitation measures which seek to expedite clearance and reduce cost of crossing the border, in addition to the preferential tariff treatment. This is expected to contribute to improved profits by small scale traders contributing to poverty reduction and economic development of the region.

#### The Basic Rights and Obligations for Traders and Officials at the Border

1. All individuals shall be able to cross the border without verbal or physical abuse or harassment, including but not limited to sexual and gender-based violence.
2. The documents for traders shall be processed at the border in an efficient and timely manner without discrimination. A receipt must be provided to the trader for any payment made and the payment properly recorded.
3. Only officials of the approved agencies should be present at the border and all border officials should wear uniforms or ID badges that allow the identification of their respective agency.
4. Physical checks of traders must be recorded with the reason and outcome provided. Female traders have the right to receive a physical check by female officials in a private but regulated and accountable environment.

ANNEX IV

ESA-EPA WORKPROGRAMME FOR JANUARY – DECEMBER 2015

Priority Area	Expected Results 2015	Indicators	Sources of Verification	Priority Activities	Means	Date	Resources.
ESA-EU EPA Full Negotiations	As per 20 <sup>th</sup> ESA Council decision In 2015 Full EPA Agreement should be concluded:	All outstanding chapters (trade in goods and Services, Agriculture, TRI, Development dispute settlement and final provisions are concluded.	Provisions of the full EPA Agreement	Studies – and support for negotiations- Long and Short term TA	Validation of national EPA impact assessment by MS that have not done so. Secretariat to incorporate all comments and then have final validation of the studies will be done at the next regional meeting. High level Technical assistance in the negotiations	Feb 15 Jan- Nov 15	RISP RISP
				Finalisation of ESA regional positions -	Secretariat to recirculate the draft consolidated joint ESA-EU EPA text to ensure MS remain alive to the issues	Jan'15	CS
				On outstanding issues on	MS to finalise national consultations of all outstanding issues and send their inputs to Secretariat	Jan '15	
				1. trade in goods,	Secretariat to compile all national positions and prepare draft regional position papers and options on outstanding issues for consideration by the regional ESA EPA meeting	Jan'15	
				2. services			
				3. Agriculture,			
				4. TRI,			
				5. Development	Member states to finalise and validate their article by article national aid for trade EPA Development matrix and Secretariat to compile the final to be done per each article of full EPA and circulate it before the next ESA EPA regional meeting	Feb'14	
6. Development	Preparation of a comparative analysis/matrix of positions agreed in other EPA regions especially on each contentious issue with a view to adapt and build on the positive developments from EPA of other regions. This matrix should be circulated to member states before 30th January 2015 and discussed at the next ESA technical meeting	Feb/Jan '15					
7. dispute settlement and							
8. final provisions							
ESA EPA Meetings				Convene ESA Technical meeting to agree on regional positions covering all outstanding issues; trade in goods, services, Agriculture, TRI, Development cooperation, Development matrix dispute settlement and final provisions- Madagascar	Feb '15	RISP	

				<b>Undertake negotiations with EU .</b>	Back to back with ESA meeting - convene 2 negotiations sessions with EU at Tech level on trade, services and development – Madagascar Joint SO meeting on outstanding issues (trade, in services, goods and development)	Feb '15	<b>RISP</b>
				<b>ESA Council on the margins of COMESA Summit</b>	ESA SO meeting ESA Council meeting	March '15 March '15	<b>RISP</b> <b>RISP</b>
				<b>Studies and short term TA</b>	short term consultants to undertake and update technical studies on outstanding areas (general provisions, trade in goods and services, establishment, agriculture, trade related issues, agriculture development cooperation, dispute avoidance and final provisions); National consultations of outstanding issues from the ESA-EU negotiations session	April to July '15	<b>RISP</b>
				<b>ESA National Consultations and regional meetings</b>	ESA regional meetings to agree on outstanding issues	April-June '15 July '15	<b>RISP</b> <b>RISP</b>
				<b>Last round of EPA negotiations</b>	ESA legal experts meeting Back to back with ESA meeting - convene last negotiation sessions with EU at Tech level on trade, services and development – Last negotiation session with EU at SO level	Augusts '15 Sept '15	<b>RISP</b> <b>RISP</b>
				<b>Awareness raising</b>	Joint ESA – EU ministerial meeting Meeting of ESA and EU legal experts Information dissemination to all regional stakeholders. To be done through the NDTFFs Regional workshop for NSA on the draft EPA text and issues Secretariat missions to Comoros and other countries to assist them on preparations on EPA negotiations and issues.	Sept '15 Sept'15 Oct'15 Whole year Aug '15	<b>RISP</b> <b>RISP</b> <b>RISP</b> <b>RISP</b> <b>RISP</b>

5. All duties, fees and taxes and the basis for their calculation must be publicly available at the border.
  - 5.1 Any change to duties, fees and taxes must be publicly announced at the border, with reasonable (notice) time for traders to prepare before their application.
  - 5.2 No unpolished fees or charges should be demanded at the border.
6. Documentary requirements should be clearly stated and publicly available at the border.
  - 6.1 Any change in documents required must be publicly announced at the border with reasonable (notice) time for traders to prepare, before implementation.
  - 6.2 Simplified procedures should be applied to small scale traders.
7. Traders should be aware of their rights and obligations when crossing the border.
  - 7.1 Traders must present the required documentation and pay the appropriate duties at the border and obtain a receipt for any payments made to an official.
  - 7.2 Traders shall not attempt to bribe any official to avoid payment of duties or obtain preferential treatment in any way, including avoiding queues.

With the Support of the International Community, Government Commit to:

8. Ensuring that by December 2015 the basic rights and obligations governing cross-border movement of goods and people are clearly stated in the local language and visibly apparent at all border crossings.
9. Ensuring that by December 2015 at every border post there is at least one agent that has received gender awareness training. All senior officials at the border should have received gender based awareness training by December 2015.
10. Ensuring that 50% of officials at every border post have received gender based awareness training by December 2015.
11. Ensuring that all cross border traders have recourse to an independent and confidential mechanism to register violation of any of these basic rights. Female traders must be able to register the violation of any basic rights with female staff.
12. Ensuring the strict application of disciplinary measures against officials found to have violated the rights of a trader.
13. Supporting organisations of informal cross-border traders in the disseminating information on these rights and obligations and in delivering advice and information to enhance the capacities of the traders.
14. Continuing to improve the quality of infrastructure at all border crossings to provide an open and safe environment for traders, with attention to the specific needs of women traders, and appropriate facilities for officials to undertake their work.
15. Improving the quality of data collected at all border posts on small scale traders, including the number passing through the border each day, and the nature of the goods traded.

## **ANNEX V**

### **COMESA ROADMAP FOR DEVELOPMENT OF INDUSTRIAL STATISTICS**

#### **A. Background**

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The African continent remains behind in achieving sustainable industrial development. It lags behind other continents in industrial growth and employment creation. For the past decade and a half Africa's share of industrial output has remained stagnant, at 1 percent.

The United Nations highlighted the role that industrial development can and must play in achieving the Millennium Development Goals and promoting socio-economic advancement in Africa.

The African Union has recognized the importance of sustainable industrial development in Africa. It has endorsed the African Productive Capacity Initiative, which was jointly launched by the continent's ministers of industry and the UN Industrial Development Organization, as the sustainable industrialization component of the New Partnership for Africa's development.

A cursory look at the UNIDO indicators on industrial development highlights yet another challenge in this sector. The lack of up to date industrial statistics in most of our Member States comes out clearly in this respect. Linked to this may be the fact that many countries have not conducted industrial censuses or indeed register updates in a long time.

The state and accuracy of African economic statistics numbers, particularly the national accounts has been called into question in the recent past. Recent GDP rebasing exercises are a testament to the necessary revisions that reflect the unsatisfactory state of some of these economic statistics. However funding interventions in national accounts statistics without first ensuring that the requisite basic statistics are available, will not achieve their intended purpose.

Resources used for basic statistics, such as agricultural, industrial and services statistics in addition to prices and international trade statistics, in contrast, will not only facilitate policy making and planning focusing on the subjects that define the scope of the statistics. The deployment of the resources for those purposes will also enable national accounts to have a solid foundation and much easier to construct as most of it will be produced almost as a by-product of the basic statistics.

There is thus a need to develop strategies for the production of quality basic statistics and a resolve to implement them.

The 2013 Fifth COMESA Committee on Statistical Matters approved a program for development of industrial statistics in the COMESA region. In order to ensure country inclusiveness, COMESA has conducted a detailed assessment of the state of industrial statistics in the region for designing an intervention strategy which will be further considered by the sixth CCSM.

An industrial statistics roadmap can be adapted to cover the services sector.

#### **B. The Strategy Document**

The strategy is designed to move the COMESA region to the realisation of a vision where "every member state produces industrial statistics compliant with international standards."

The strategy document contains the background already presented above, a stakeholder analysis, a discussion and presentation of the strategic goals, an implementation plan and a monitoring and evaluation plan, in that order.

### C. Stakeholder Analysis

The stakeholder analysis is for the present confined to an analysis of member states in their capacity as producers of industrial statistics. It does not, for example, include users of the statistics. The analysis is based on the results of the 2014 survey of industrial statistics in member states. The survey instrument was designed along the lines of the International Monetary Fund (IMF) generic Data Quality Assessment Framework (DQAF), prerequisites and dimensions of statistical quality.

An analysis of the responses to the survey enables the classification of any responding member state as either a producer of industrial statistics who complies with international standards, especially the International Recommendations on Industrial Statistics (IRIS) 2008, (A); a producer who does not comply with the standards, (B); or a non – producer of industrial statistics, (C). It should be noted that a country which on average is classifiable in category A, may for a specific indicator be classifiable under B and vice versa. Thus, for example, a country that compiles industrial statistics compliant with IRIS 2008 in most respects may fail on the metadata or timeliness indicator. Hence if there is a strategic goal such as “To ensure that every member state compiles industrial statistics compliant with IRIS 2008” and one of the activities to achieve the strategic goal is “To assist member states to produce metadata and post it on their websites.”, then the country, which would have been classified in category A, on average, would have to be classified in category B for that activity.

The table below and the comments below it are extracted from the industrial survey report. The cells of the table record the number of quality indicators that each country was found to possess, under each quality dimension. The “Total” row records the total number of quality indicators that each country was found to have in all dimensions. The row headed “Possible” indicates the total number of indicators that each country would have if it were compliant in every respect. The “% Score” row expresses the total number of quality indicators actually possessed by the country as a percentage the maximum possible total for full compliance

Using an arbitrary rule of thumb that 80% overall compliance is compliance then Egypt, Mauritius, Malawi, Uganda, Zambia and Zimbabwe could be classified in category A among the responding countries.

Sudan, Ethiopia, Burundi, Kenya, Swaziland and Madagascar are in category B. The Comoros and the Seychelles are in category C among the responding member states shown in the table below.

Summary	Burundi	Comoros	Egypt	Ethiopia	Kenya	Madagascar	Malawi	Mauritius	Rwanda	Seychelles	Sudan	Swaziland	Uganda	Zambia	Zimbabwe	Total	Possible	% Score
Prerequisites	7	N/A	12	5	4	2	7	11	N/A	N/A	6	5	11	9	8	87	144	60
Integrity	4	N/A	3	3	3	1	4	4	N/A	N/A	4	3	3	3	3	38	48	79
Methodology	10	N/A	15	12	11	7	14	11	N/A	N/A	12	8	11	11	13	135	192	70
Accuracy and Reliability	1	N/A	4	2	3	1	5	5	N/A	N/A	1	3	5	5	4	39	60	65
Serviceability	1	N/A	3	1	0	0	4	4	N/A	N/A	4	1	3	4	4	29	48	60
Accessibility	0	N/A	3	1	2	0	3	3	N/A	N/A	3	2	3	3	3	26	36	72
<b>TOTAL</b>	<b>23</b>	<b>N/A</b>	<b>40</b>	<b>24</b>	<b>23</b>	<b>11</b>	<b>37</b>	<b>38</b>	<b>N/A</b>	<b>N/A</b>	<b>30</b>	<b>22</b>	<b>36</b>	<b>35</b>	<b>35</b>	<b>354</b>	<b>528</b>	<b>67</b>
Possible	44	N/A	44	44	44	44	44	44	N/A	N/A	44	44	44	44	44	528		
% Score	52	N/A	91	55	52	25	84	86	N/A	N/A	68	50	82	80	80	67		

On average, responding COMESA countries indicated the existence of dimensions in their industrial statistics



systems to a level of 67% of what is required for them to meet all the quality requirements of industrial statistics. The dimensions of quality that are least developed, and therefore require the most urgent attention are Serviceability and Prerequisites both at 60% of requirements, followed by Accuracy and Reliability at 65%, Methodology at 70% and Accessibility at 72%. Integrity is the best quality dimension among responding COMESA member states at 79%.

The prerequisites dimension with a least score of 60%, includes legal and institutional arrangements, resources, relevance and the existence of quality management systems. The legal and institutional arrangements are reasonably developed at 88%, but the lack of resources (35%) and lack of quality management (33%) systems need the greatest attention (Table 0- Overall Prerequisites).

Serviceability also scoring 60% includes periodicity and timeliness, consistency and revision policy and practice. The poor development of periodicity and timeliness is probably linked to the lack of resources as data may only be produced when resources become available. There is need to pay attention to this dimension as users need a regular supply of the data.

There is considerable variation among the member states as far as the overall quality of industrial statistics is concerned. Thus Egypt (91%), Mauritius (86%), Malawi (84%), Uganda (82%), Zambia and Zimbabwe with 80% each, have comparatively good quality industrial statistical systems. On the other hand, Comoros and Seychelles, Rwanda with (0%) and Madagascar (25%) need more urgent attention.

#### **D. The Strategic Goals**

Strategic goals can be formulated along strategic themes identified by stakeholders. In this case since the partial stakeholder analysis that has been done is based on a survey whose instrument was designed according to the lines of the IMF generic DQAF, it is convenient to have strategic goals that address issues revealed in the survey along the lines of the prerequisites and the quality dimensions of the DQAF. The strategic goals are thus as follows:

1. To ensure that every member state has an institution with the primary responsibility for the production of industry statistics and that the unit is adequately resourced and empowered to collect, process and disseminate the statistics.
2. To ensure that every member state has an industrial statistics sector strategy including a commitment to the principles of integrity.
3. To ensure that every country is compliant with IRIS 2008 in its production of industry statistics
4. To ensure that measures to achieve accuracy and reliability are embedded in the work of the institution producing industry statistics
5. To ensure that the statistics meet international standards with respect to periodicity, timeliness and consistency.
6. To ensure that in every member state the institution producing industry statistics has a data dissemination policy that meets international standards

#### **Activities/actions to meet the goals**

Some of the actions to meet goal "1" would include:

- (i) Seek commitment to the establishment of the unit at high(est) level through the appropriate mechanism for making such commitments in COMESA

Responsibility: COMESA Secretariat, Directors of NSOs.

Applicable to: Category C Member States, some category B states with no clarity on primary responsibility for the production of industry statistics

Timeline: Start early 2015, end, end of 2015.

(ii) Provide funding for some resources such as ICT

Responsibility: COMESA (coordinating donor support), Member State

Applicable to: Mostly category C states but other categories too, to a lesser extent

Time line: Start early 2015, end, end of 2015.

Some of the actions for "2" would be:

(i) Produce an industry statistics sector strategy (ISSS).

Responsibility: NSO assisted by COMESA Secretariat, coordinating other donors including AfDB, UNIDO and PARIS21.

Applicable to: All category C Member States and those in categories A and B that do not as yet have ISSSs.

Time line: Start early 2015, end, end of 2015.

Strategic Goal "3" could be achieved by including the following strategic actions.

(i) Design a generic industry statistics questionnaire based on the IRIS 2008 for the whole COMESA region. Adopt (and adapt, where necessary) the questionnaire in each country. This should be for the annual census or survey.

Responsibility: COMESA Secretariat

Applicable to: COMESA

Time line: Start 2nd quarter 2015, end 4th quarter 2015

(ii) Design a questionnaire for the collection of data to produce the quarterly Index of Industrial Production (IIP).

(iii) Explore and exploit opportunities for using administrative data.

Responsibility: NSO

Applicable to: All member states

Time line: Continuous.

Strategic Goal "4" could be achieved by including the following strategic actions.

(i) Embed measures for checking, measuring and correcting errors in the statistical production system.

Responsibility: NSO, COMESA and donor assistance (including training) may be required.

Applicable to: Category C members and those in categories A and B that are not yet compliant in this respect. COMESA needs to produce a template for the purpose. Training may need to include all member states.

Time line: Start 2nd quarter 2015. By end of 2015, all Member States should be compliant.

- (ii) Assess and validate intermediate results and statistical outputs

Responsibility: NSO, COMESA and donor assistance (including training) may be required.

Applicable to: Category C members and those in categories A and B that are not yet compliant in this respect. COMESA needs to produce a template for the purpose. Training may need to include all member states.

Time line: Start 3rd quarter 2015. By end of 2016, all Member States to be compliant.

- (iii) Develop a revision policy and analyse revisions to gauge accuracy and reliability

Responsibility: NSO, COMESA and donor assistance (including training) may be required.

Applicable to: Category C members and those in categories A and B that are not yet compliant in this respect. COMESA needs to produce a template for the purpose. Training may need to include all member states.

Time line: Start 3rd quarter 2016. By end of 2016, all Member States should be compliant.

Strategic Goal "5" could be achieved by implementing the following strategic actions.

- (i) Seek assurance of continued supply of resources for the production of industry statistics.

Responsibility: Directors of NSOs. Need for assistance from COMESA Secretariat and other donors.

Applicable to: Category C member states, some category B and A states with erratic and/or insufficient supplies of resources for the production of industry statistics.

Timeline: Start early 2015.

- (ii) Develop an industry statistics release calendar which could be part of an overall statistical release calendar, in conformity with international best practice on periodicity and timeliness. Release calendars to also indicate when revisions would be expected. Strategic action (i) above is a prerequisite for this strategic action.

Responsibility: Member State NSOs.

Applicable to: Category C member states and those category B and A states with that do not yet have release calendars.

Timeline: Start 3rd quarter 2015.

- (iii) Establish a system of making consistency checks.

Responsibility: NSO, COMESA and donor assistance (including training) may be required.

Applicable to: Category C members and those in categories A and B that are not yet compliant in this respect. COMESA needs to produce a template for the purpose. Training may need to include all member states.

Time line: Start 3rd quarter 2015. By mid-2016, all Member States should have the systems.

Strategic Goal "6" could be achieved by including the following strategic actions

- (i) Develop a data dissemination policy

Responsibility: NSO, COMESA and donor assistance (including training) may be required.

Applicable to: Category C members and those in categories A and B that are not yet compliant in this respect. COMESA needs to produce a template for the purpose. Training may need to include all member states.

Time line: Start 2nd quarter 2015. By mid-2016, all Member States should have the policy.

- (ii) Adopt international best practice with respect to data curation, including the production of meta-data.

Responsibility: NSO, COMESA and donor assistance (including training) may be required.

Applicable to: Category C members and those in categories A and B that are not yet compliant in this respect. COMESA needs to produce a template for the purpose. Training may need to include all member states.

Time line: Start 2nd quarter 2015. By mid-2016, all Member States should have adopted the practices.

### **E. Implementation Plan**

The responsibility for the implementation of the strategy is vested in the COMESA Committee on Statistical Matters (CCSM). Through the Committee, National Statistical Offices (NSO) are expected to use their internal structures for within office implementation. These structures are expected to involve the units or departments that compile industry statistics whose heads would also be the contact persons for the COMESA Secretariat.

The aspects of implementation that require regional workshops would be the responsibility of the COMESA Secretariat. The heads of units (or their assistants) at each NSO would be the country representative at the COMESA industrial statistics experts working group meetings. This working group's deliberations and reports are summarized and presented to the CCSM for recommendations to Council.

The strategy can be seen as meant to close the gap between the status as revealed in the survey and the ideal that is stated in the vision. In other words the region has to move from having as many affirmative answers regarding the existence of requisite quality indicators to one where all the answers are affirmative. The implementation strategy has to recognise that there could be resource constraints to simultaneous implementation of all the strategic actions to achieve the desired strategic goals. There is thus need for prioritisation.

The prioritisation has to take into account the following.

- (i) The criticality of the action is as a precondition for the implementation of other actions in the strategy.
- (ii) The number and importance of the indicators and quality dimensions that the strategic action addresses at the same time.
- (iii) The ease of implementation of the strategic action.

Taking these criteria into account, the order of priority could be as set out below. Some of the actions may not be applicable in certain countries. Such countries need to start at the first applicable strategic action.

- (i) Establish an industry statistics unit. Empower the unit or NSO to collect, process and disseminate statistics and oblige suppliers of the data to supply it, through a legal instrument.
- (ii) Provide physical, human, IT and financial resources for the unit.
- (iii) Develop an Industry Statistics Sector Strategy (ISSS).

- (iv) Design a generic industry statistics questionnaire based on the IRIS 2008 for the whole COMESA region. Adopt (and adapt, where necessary) the questionnaire in each country. This should be for the annual census or survey.
- (v) Design a questionnaire for the collection of data to produce the quarterly Index of Industrial Production (IIP).
- (vi) Develop a data dissemination plan.

#### **F. Monitoring and Evaluation Plan**

Monitoring and evaluation will include:

- (i) Annual reports that will be submitted by each member state NSO and consolidated by the COMESA Secretariat for presentation to the CCSM.
- (ii) Within Member states, quarterly reports should be compiled and submitted to the COMESA Secretariat.
- (iii) Regional workshops of industry statisticians dealing with the initiation of project review and implementation issues.
- (iv) Country visits by COMESA Secretariat.
- (v) Peer review and exchange arrangements based on promotion of country best practice.

#### **G. Roll Out Plan**

A workshop to initiate the project will be held in early 2015.

## ANNEX VI

### ROADMAP FOR DEVELOPMENT OF ENVIRONMENT STATISTICS IN THE COMESA REGION

#### 1. BACKGROUND

##### 1.1 Mandate

Monitoring and measurement of progress towards environmental sustainability is weak due to the insufficient production of environment statistics and environmental indicators. The United Nations Statistical Commission endorsed the revised Framework for the Development of Environment Statistics (FDES 2013) in 2013 as the framework for strengthening environment statistics programmes in countries. The implementation of the FDES will help countries address the increasing demand for integrated information in support of integrated policies in the follow-up to Rio+20 and the post-2015 development agenda through the strengthening of environment statistics.

The Sixth Meeting of the COMESA Committee on Statistical Matters recommended the inclusion of the development of environment statistics in the work program related to the 2014-2017 COMESA Statistics Strategy. As the technical committee charged with the formulation of statistical policy and programs, its recommendations represent country demand for a regional program to include among others environment statistics.

The COMESA programme on environmental statistics aims at addressing the technical and institutional barriers to the establishment of routinely produced environment statistics at the country level. The program will provide both statistical and institutional capacity building, based on the FDES and will build on existing technical cooperation work carried out by United Nations and African Development Bank in COMESA countries.

The programme aims to benefit both primary and secondary beneficiaries in the participating countries. The primary beneficiaries of the project at the national level will be practitioners working in national statistical offices and environmental ministries, as well as other environmentally relevant line ministries and authorities (e.g., environment, natural resources, agriculture, energy, national planning, transport, finance, economic development), who are engaged in the production and use of selected environmental statistics according to their responsibilities and needs. Other beneficiaries at the national level include other producers and users of these statistics including practitioners working in policy making, non-governmental organizations, research institutes and universities, the private sector, the public at large, as well as international, regional and sub-regional organizations.

The programme will focus on strengthening the regular and sustained production of environment statistics at the national level. This will be done by organizing two capacity building sub-regional workshops, capacity building national workshops and technically supporting the COMESA countries which are at different stages in the development of environment statistics.

##### 1.2 Link to International Development Goals

The United Nations and other international agencies have identified indicators for the monitoring of the implementation of the development goals and targets set out in the Millennium Declaration. The development of environmental statistics is in line with the objective of supporting Member states accelerate progress towards achieving the Internationally Agreed Development Goals, including the Millennium Development Goals (in particular Goal 7: Ensure environmental sustainability).

Further, throughout the process of negotiations prior to and during the Rio+20 Conference, the need to strengthen the monitoring of sustainable development, through improved data collection, the production of statistics and the establishment of indicators, has been stressed. Of the three pillars of sustainable development, monitoring

the advancement towards environmental sustainability is the weakest. Therefore, due to the importance of assessing progress in environmental sustainability and ultimately in sustainable development, the availability and quality of statistics, in particular of environment statistics is of utmost importance. The Rio+20 outcome document, acknowledges the need to further mainstream sustainable development at all levels integrating economic, social and environmental aspects and recognizing their inter-linkages, so as to achieve sustainable development in all its dimensions. It stresses the need for the continuation of a regular review of the state of the Earth's changing environment and its impact on human well-being and in this regard, it urges for bringing together environmental information and assessments and building national and regional capacity to support informed decision making. It calls for the establishment of Sustainable Development Goals for the post 2015 development agenda. As demand for indicators increases with the post-2015 development agenda, the need for sustained investment in the production of environment statistics becomes even more critical at all levels.

### **3. COMESA REGION CONTEXT**

#### **3.1 Problem Analysis**

The programme will focus on the enhancement of capacity of stakeholders to produce environment statistics. Experience in this field, as well as consultations and discussions with countries and major stakeholders resulted in the identification of the following key factors as possible causes of the lack of capacity in many developing countries:

- i. Insufficient awareness/knowledge of the statistical process and institutional requirements underlying the regular production of environment statistics
- ii. Lack of technical capacity to collect, compile and disseminate environment statistics on a regular basis to allow for their effective use in supporting evidence-based policy-making and for monitoring internationally agreed goals.
- iii. Insufficient quantity and quality of environment statistics produced on a regular basis.
- iv. Weak institutional set up and insufficient inter-institutional collaboration at national level thereby hindering effective coordination, collaboration and data-sharing.

The key factors listed above lead to a low capacity of governments to collect, compile and disseminate environment statistics. The key factors are all inter-related and affect each other. This situation results in inadequate monitoring and measurement of progress towards environmental sustainability and sustainable development.

#### **3.2 Objective of Programme**

The programme objective is to strengthen national capacities of selected developing countries for the sustained, regular production of a priority set of environment statistics in order to measure progress towards sustainable development.

#### **3.3 Expected Outcomes**

The programme's expected outcome is enhanced technical capacities of selected countries to regularly produce a comprehensive set of environment statistics, based on FDES, according to their own policy demands and commitments.

#### **3.4 Indicators of Achievement at National Level**

- i. National work plans in environment statistics that outline the programmes and activities to develop environment statistics/indicators series

- ii. Increased production of priority environment statistics within the national statistical systems of participating countries, through the use of the FDES 2013 and its Basic Set of Environment Statistics

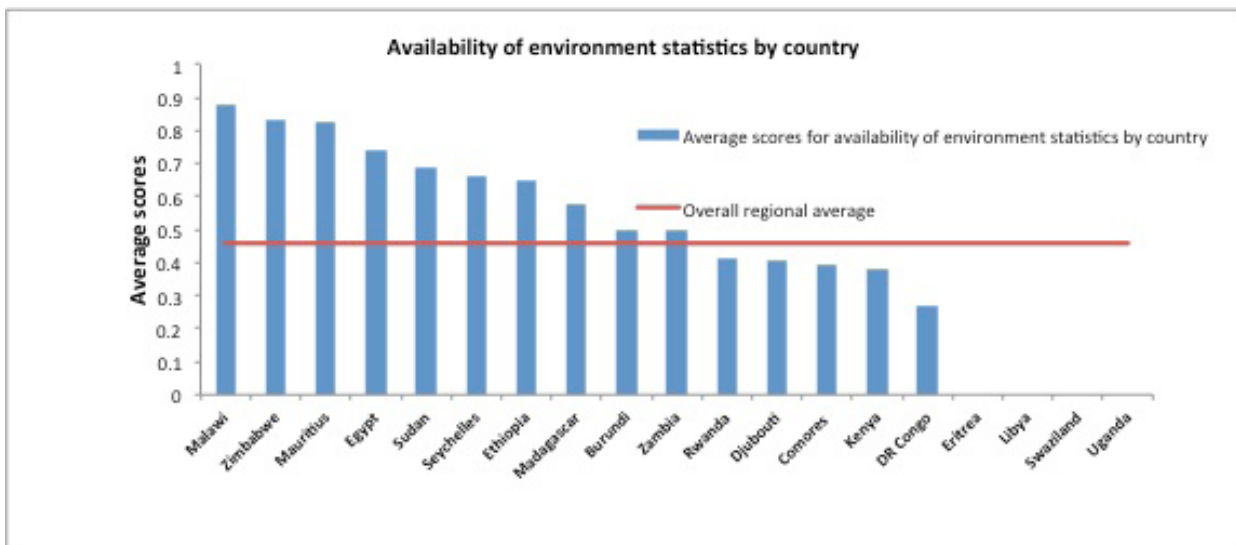
### 3.5 Stakeholder Analysis and Capacity Assessment

Given the multi-disciplinary and cross-cutting nature of environmental information, the production of environment statistics involves numerous stakeholders. Environment statistics cover several topics for which the data, whether in the form of administrative records, remote sensing, scientific measurements or survey results, are being generated by national statistical offices, specialized agencies, ministries, local governments and scientific institutions. Therefore, to produce high quality environment statistics, it is inherent to work together with the collaboration of these stakeholders, both at the strategic and technical level.

In most countries, collaboration among national and sub-national institutions has generally been formalized through a multi-stakeholder or inter-agency platform or committee tasked with coordinating the strategic development and production of environment statistics. These inter-agency platforms bring together users and producers to identify users’ needs and ensure the production of the necessary environment statistics from a variety of data sources in a coordinated manner. One of the tasks of the platform is to ensure that a common statistical methodology or protocol is being used to ensure comparability and statistical soundness. Another relevant function is to preserve continuity over time, despite significant turnover of staff in the different partner institutions.

### 3.6. The COMESA Assessment of Environment Statistics

The COMESA Treaty provides the policy context for sustainable development and cooperation in environmental matters. There is need to articulate developments and align them with COMESA priorities for the development of the environment as a whole and environment statistics specifically.



Other publications related to the FDES 2013 included “A Blueprint for Action”. In view of advancing the global statistical system, the UNSD also published a brochure on environment statistics. The FDES 2013 was designed in such a way as to be a flexible, multi-purpose tool that adapts to the needs and priorities of countries and different users; help to identify the range of statistics relevant to decision-making; facilitate a synthesized presentation of data; suitably simplify complex environmental issues; be coherent with other existing statistical frameworks and classifications; and thus promote sound concepts.

In order to initiate a regional intervention, COMESA undertook an assessment of available environment statistics (ES) in member states. The main results indicate that environment statistics is generally poor in many of member states (Figure 1). The average score for the region is 0.43 or 43% for the general availability. Around 10 out of



the 19 COMESA countries have a pronounced lack of environmental data. Based on this assessment, a roadmap, outlined below, has been prepared. The issues considered in the roadmap include categorization of countries according to level of environment statistics development, institutional and sector assessments and statistics development. All countries will use the same plan but the details will be adapted on the basis of actual status of ES development within the country.

From the assessment the following categorization are deduced:

- i. Strong Environment Statistics (ES): Malawi, Zimbabwe, Mauritius, Egypt;
- ii. Medium ES: Seychelles, Ethiopia, Madagascar, Burundi, Zambia;
- iii. Weak/poor ES: the rest.

These categorizations may change upon availability of detailed assessments done within countries, but will serve to establish the initial interventions in the countries.

### **3.7 Implementation Plan**

Following the COMESA Assessment on Environmental Statistics, a roadmap for implementation of the FDES-2013 was finalized. The scope of the Assessment covered coordination of environment statistics, environment information systems and environmental accounts, thematic environment statistics availability (i.e. air/atmosphere, soil, coastal and marine resources, water, waste, forestry and wood, energy and biodiversity). The roadmap includes:

- i. Building of partnerships with UNSD, other sub regional agencies and key agencies in development of environment statistics.
- ii. Capacity building at regional and national level.
- iii. Developing the institutional dimension of environment statistics through identification of all stakeholders in the data production process
- iv. Under existing national statistical laws, promote advocacy for clarity on the definition of mandates and competencies of institutions responsible for each sector of environment statistics.
- v. Enhancement of inter institutional collaboration
- vi. Comprehensively addressing institutional challenges and constraints in finance, human resource, technical capacities and coordination.
- vii. Sector Assessments for both existing and non-existing environment statistics in Member states.
- viii. Compilation and publication of national environment statistics reports.

*Specifically the stages for implementation of the FDES will include:*

1. **Preparatory Stage** -Team building, Institutional arrangements, Legal framework and national policy priorities, national strategy for establishing an environment statistics programme; methodological resources;
2. **Foundational Stage** - Assessment; building capacities, inter- and intra-institutional collaboration mechanisms; Defining the environment statistics product(s);
3. **Operational Stage** - Adapting the FDES 2013 to the country's needs and priorities; Environment statistics to be produced at the national level; Developing data compilation and collection instruments;

Carrying out data validation; Developing metadata; Preparing publications; Preparing launch events; Disseminating environment statistics products; Obtaining feedback;

4. **Consolidation Stage** - Institutionalizing and strengthening of environment statistics units; Formalizing national inter-institutional collaboration platforms; Allocating budget and staff resources dedicated to environment statistics; Connecting with and participating in regional and global expert groups, networks and resources; Maintaining and further developing environment statistics' coverage and timeliness; Ensuring statistical quality (Source: UNSD Blueprint for Action for the implementation of the FDES 2013).

In most countries, the national statistical offices, which normally oversee the national statistical system (NSS) and coordinate these platforms, must have adequate authority, resources and capacities to lead the multi-stakeholder processes. Depending on the institutional set up, in many developing countries the coordination of the national environmental information systems lies with the environmental ministry or equivalent institution. The programme takes into account that in different countries the leading/responsible institution for environment statistics and for leading the described inter-agency platforms or committees could rest upon the national statistical office, the ministry of environment, or be a joint effort.

### **3.8 Monitoring And Evaluation**

Monitoring and evaluation will include:

- i. Annual reports that will be submitted by each Member state NSO and consolidated by the COMESA Secretariat for presentation to the COMESA Committee on Statistical Matters.
- ii. Within Member States, quarterly reports should be compiled and submitted to the COMESA Secretariat.
- iii. Regional workshops of environmental statisticians dealing with the initiation of project review and implementation issues.
- iv. Country visits by COMESA Secretariat.
- v. Peer review and exchange arrangements based on promotion of country best practice.

### **3.9 Roll out Plan**

The proposed roll out plan is indicated below:

Work plan for COMESA Roadmap on Environment Statistics 2015-2017

Output	Activity/tasks	2015												2016												2017																																																	
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec																																						
1.1 National coordina tion mechani sm for FDES impleme ntation set up	Team Building/insti tutional set up																																																																										
1.2 National assessm ent/surv ey on environ ment statistics status undertak en	Methodologi cal resources Assessment																																																																										
	Building capacities																																																																										
	Data collection for priority FDES core set and components* and sub- components (At least 3																																																																										

Output	Activity/tasks	2015												2016												2017											
		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
	sub components in 2015 )																																				
	FDES 2013 Core set of Environment Statistics (part of them are in the list below). The statistics collected with depend on the countries priorities and a common set can be derived for COMESA based on its 2014 assessment.																																				
	Component 1: Environmental Conditions and Quality																																				
	Sub-component 1.1: Physical Conditions																																				
	Sub-component 1.2: Land																																				

In 2017 the core set from the sub components highlighted below will be collected in addition to other available statistics

In 2016 the core set from the sub components highlighted below will be collected in addition to other available statistics

In 2015 the core set from the sub components highlighted below will be collected in addition to other available statistics

Output	Activity/tasks	2015												2016												2017											
		J a n	F e b	M a r	A p r	M a y	J u n	J u l	A u g	S e p	O c t	N o v	D e c	J a n	F e b	M a r	A p r	M a y	J u n	J u l	A u g	S e p	O c t	N o v	D e c												
	Cover, Ecosystems and Biodiversity																																				
	Sub-component 1.3: Environmental Quality																																				
	Component 2: Environmental Resources and their Use																																				
	Sub-component 2.1: Non-energy Mineral Resources																																				
	Sub-component 2.2: Energy Resources																																				
	Sub-component 2.3: Land																																				
	Sub-component 2.4: Soil Resources																																				
	Sub-component 2.5: Biological																																				



Output	Activity/tasks	2015												2016												2017																															
		J a n	F e b	M a r	A p r	M a y	J u n	J u l	A u g	S e p	O c t	N o v	D e c	J a n	F e b	M a r	A p r	M a y	J u n	J u l	A u g	S e p	O c t	N o v	D e c	J a n	F e b	M a r	A p r	M a y	J u n	J u l	A u g	S e p	O c t	N o v	D e c																				
	Extreme Events and Disasters																																																								
	Sub-component 4.2: Technological Disasters																																																								
	Component 5: Human Settlements and Environmental Health																																																								
	Sub-component 5.1: Human Settlements																																																								
	Sub-component 5.2: Environmental Health																																																								
	Component 6: Environment Protection, Management and Engagement																																																								
	Sub-component 6.1: Environment Protection																																																								





		2015							2016							2017										
Output	Activity/tasks	J a n	F e b	M a r	A p r	M a y	J u n	J u l	A u g	S e p	O c t	N o v	D e c	J a n	F e b	M a r	A p r	M a y	J u n	J u l	A u g	S e p	O c t	N o v	D e c	
1.3 Plan of action on filling data gaps on environment statistics completed	Formulate roadmap on the development of non-existent environment statistics																									
1.4 National environment statistics bulletin published	Prepare tabulations and analysis of data including validations																									
	Publication/dissemination																									

Note: the intersections would mean countries can adopt a combination of Tiers

