

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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WORKING PARTY ON THE ACCESSION OF ECUADOR

Schedule of Specific Commitments on Services

The Permanent Mission of Ecuador has transmitted to the Secretariat the following Schedule of Specific Commitments in the services area in order that it be available at the next meeting of the Working Party on the Accession of Ecuador, to be held on 28 November 1994.

In conformity with paragraph 5 of the Final Act embodying the results of the Uruguay Round Multilateral Trade Negotiations, Ecuador provides below its Schedule of Initial Commitments.

The offer on financial services is presented in accordance with the Second Annex on Financial Services and the Decision on Financial Services, which are part of the above-mentioned Final Act. Consequently, in a term no longer than six months, starting on the date of entry into force of the WTO Agreement, Ecuador will have the freedom to improve, modify or withdraw all or part of its commitments on this sector without offering compensation as well as list in the Annex on Article II exemption measures relating to financial services which are inconsistent with paragraph 1 of Article II of the Agreement.

Ecuador, which has been accepted as observer in the Negotiating Groups on maritime transport services, basic telecommunications, financial services and movement of natural persons, will participate as full member of these groups as soon as it becomes a member of the WTO.

SCHEDULE OF SPECIFIC COMMITMENTS OF ECUADOR

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

<u>Sector or Subsector</u>	<u>Limitations on Market Access</u>	<u>Limitations on National Treatment</u>	<u>Additional Commitments</u>
HORIZONTAL COMMITMENTS All the sectors included in this schedule	National legislation specifies the following restrictions for market access and national treatment: 4. Unbound, except for the following personnel categories: 4. Unbound, except as indicated in the column "limitations on market access".	 Manager: A natural person occupying the highest position who primarily directs the management of the establishment, receiving general supervision from the board of directors or stockholders or their equivalent, and has the authority to hire and fire or take any other decision concerning the personnel; Administrator: A natural person occupying a senior position, who directs the establishment or a department or subdivision of the establishment, supervises and controls the work of other supervisors, professional or managerial employees, and who receives instructions from the manager of the establishment;	

<u>Sector or Subsector</u>	<u>Limitations on Market Access</u>	<u>Limitations on National Treatment</u>	<u>Additional Comments</u>
<u>Modes of supply:</u> (1) Cross-border supply (3) Commercial presence	<p><u>Legal representatives:</u> A natural person occupying a senior position, who has the power to undertake formally obligations in the name of the establishment; and</p> <p><u>Specialist:</u> A natural person who possesses specific knowledge essential to the establishment's service, research equipment, techniques or management.</p> <p>Any employer with a staff of more than 10 employees must employ Ecuadorians in proportions of not less than 90 per cent of the staff of ordinary workers, and not less than 80 per cent of skilled employees or specialists, administrative staff or persons in posts of responsibility. This limitation does not apply for an employer with a staff of up to 10 employees.</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
1. BUSINESS SERVICES			
A. Professional Services			
(a) Legal services (CCP 861). Only advisory services in foreign legislation and international legislation (excludes advice and litigation in national law).	(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) Accounting, auditing and bookkeeping services (CCP 862)	(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.	
(c) Taxation services (CCP 863)	(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.	

Modes of supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (4) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Subsector					
(d) and (g) Architectural services (CCP 8671) including urban planning and landscape architectural services (CCP 8674)	(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.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(e) Engineering services (CCP 8672)	(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.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
B. Computer and Related Services					
(a) Consulting services for installation of computer equipment (CCP 841)	(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	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply
(3) Commercial presence (2) Consumption abroad
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Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Software implementation services (CCP 842)	(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.	
(c) Data processing services (CCP 843)	(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.	
(d) Data base services (CCP 844)	(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.	
(d) Airline computer reservation systems	(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.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad
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Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Rental/Leasing Services without operators			
(a) Rental or leasing of cars and ships without operators (CPC 83101 and 83103)	(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.	
F. Other Business Services			
(c) Management consulting services (CPC 865) and (d) Services related to management consulting (CPC 866)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(h) Services incidental to mining (CCP 833)	(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.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad
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Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(m) Related scientific and technical consulting services (CCP 8675)			
- Study and evaluation of hydrocarbon deposits	(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.	
- Production analysis control	(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.	
- Improved recovery of hydrocarbons	(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.	

Modes of supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (4) Presence of natural persons		
Sector or Subsector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES				
C. Telecommunication Services				
(h) Electronic mail (part of 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.	
(i) Voice mail (part of CPC 7523)				
(j) On-line and data base retrieval (part of CPC 7523)				
(k) Electronic data interchange (EDI) (part of CPC 7523)				
(l) Enhanced/value added facsimile services (part of CPC 7523)				
(m) Code and Protocol conversion (n.a.)				
(n) On-line information and/or data processing (part of CPC 843)				

Modes of Supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (3) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o) Other			(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) Cellular mobile telephone services (CPC 75213)					
3. <u>CONSTRUCTION AND RELATED ENGINEERING SERVICES</u>				(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) Other					
Site preparation work for mining (CPC 5115)					

Modes of supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (4) Presence of natural persons		
Sector or Subsector	Limitations on Market Access			
			Limitations on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES				
(B) Wholesale Trade Services (CPC 622)	(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.	
6. ENVIRONMENTAL SERVICES				
(A) Sewage Services (CPC 9401)	(1) None (2) Ncne (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) Refusal Disposal Services (CPC 9402)	(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.	

Modes of supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (4) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Subsector					
(C) Sanitation and Similar Services (CPC 9403)	(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.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(D) (a) Cleaning services of exhaust gases (CPC 9404); Noise abatement services (CPC 9405); Nature and landscape protection services (CPC 9406); other (CPC 9409)	(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.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
8. HEALTH RELATED AND SOCIAL SERVICES (other than those listed under i.a.h-j.)					
(A) Hospital Services (CPC 9311)	(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.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
9. TOURISM AND TRAVEL RELATED SERVICES					
(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.	(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.	

Modes of supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (4) Presence of natural persons	
Sector or Subsector	Limitations on Market Access		
	Limitations on National Treatment		
(B) <u>Travel Agencies and Tour Operators Services</u> (CPC 7471)			
Travel Agencies and Tourism (including wholesale operators)	(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.	
10. <u>RECREATIONAL, CULTURAL AND SPORTING SERVICES</u>			
(A) <u>Entertainment Services</u> (including theatre, live bands and circus services) (CPC 9619)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(C) <u>Libraries, Archives, Museums and Other Cultural Services</u> (CPC 963)	(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.	

Mode of supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (4) Presence of natural persons	Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(D) Sporting and Other Recreational Services (CPC 964)	(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.		
11. TRANSPORT SERVICES						
(C) Air Transport Services						
(d) Aircraft repair and maintenance services (part of 8868)	(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.		
(F) Road Transport Services						
(a) Passenger transport services	(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) Freight transport services						
(c) Rental of commercial vehicles with operator (CPC 7121+7122+7123+7124)						
(H) Auxiliary Services only for maritime transport						
(a) Loading and unloading of freight	(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) Warehouse services						
(c) Freight transport agencies (CPC 741 + 742 + 748 + 749)						

FINANCIAL SERVICES

Modes of supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (4) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Subsector					
A. INSURANCE SERVICES					
(1) Insurance of risks relating to maritime shipping and commercial aviation covering both vehicles, goods and liability arising therefrom or either of them, and insurance of risks relating to goods in international transit;	(1) Unbound (2) Unbound (3) None (4) Unbound, except where specified in horizontal commitments.	(1) Unbound (2) Unbound (3) None (4) Unbound, except where specified in horizontal commitments. In the foreign insurance companies at least 50 % of the total amount of salaries must correspond to Ecuadorian employees.	(1) Unbound (2) Unbound (3) None (4) Unbound, except where specified in horizontal commitments. In the foreign insurance companies at least 50 % of the total amount of salaries must correspond to Ecuadorian employees.	(1) Unbound (2) Unbound (3) None (4) Unbound, except where specified in horizontal commitments. In the foreign insurance companies at least 50 % of the total amount of salaries must correspond to Ecuadorian employees.	
(2) Reinsurance and retrocession;					
(3) Direct insurance (including co-insurance)					
(i) life					
(ii) non-life					
(4) Insurance intermediation, such as brokerage and agency;					
(5) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.					

Modes of supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (4) Presence of natural persons		
	Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. BANKING AND OTHER FINANCIAL SERVICES (excl. insurance)				
(a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)				
(b) Lending of all types, including <i>inter alia</i> , consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113)				
(c) Financial leasing (CPC 8112)				
(d) All payment and money transmission services (CPC 81339)				
(e) Guarantees and commitments (part of 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 (cheques, bills, certificate of deposits, etc.) (part of 81339)				
- foreign exchange (CPC 81333)				
- derivative products including, but not limited to, futures and options (part of CPC 81339)				

* A foreign financial institution shall always indicate its foreign nature in its company name; allocate and retain in the country the amount of capital and reserves required under the General Banking Law; and take into account that creditors of the branch of a foreign bank in Ecuador shall enjoy preferential rights with regard to the assets which that branch possesses in the country in the event of the winding up of its head office or of its business in Ecuador for any reason. Without prejudice to the foregoing, the head office of the foreign bank shall be liable for the obligations entered into by the branch office in Ecuador.

Modes of supply:	(1) Cross-border supply (3) Commercial presence	(2) Consumption abroad (4) Presence of natural persons		
Sector or Subsector		Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> - exchange rate and interest instruments, including products such as swaps, forward rate agreements, etc. (CPC 81339*) - transferable securities (CPC 81321*) - other negotiable instruments and financial assets, including bullion (part of CPC 81339) <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 (part of CPC 81339)</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 (Part of CPC 8119 + 81323*)</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments (Part of CPC 81339 or 81319)</p> <p>(k) Advisory and other auxiliary financial services on all the activities listed in Article 1B of MTN.TNC/W/50, including credit reference and analysis investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (CPC 8131 or 8133)</p> <p>(l) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131)</p>				

* A foreign financial institution shall always indicate its foreign nature in its company name; allocate and retain in the country the amount of capital and reserves required under the General Banking Law; and take into account that creditors of the branch of a foreign bank in Ecuador shall enjoy preferential rights with regard to the assets which that branch possesses in the country in the event of the winding up of its head office or of its business in Ecuador for any reason. Without prejudice to the foregoing, the head office of the foreign bank shall be liable for the obligations entered into by the branch office in Ecuador.

ECUADOR - LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services	<p>Ibero-American Cinematographic Integration Agreement:</p> <ul style="list-style-type: none"> - Freedom of entry, residence and movement is granted to nationals responsible for activities related to cinematographic production. - The showing of Ibero-American cinematographic works is facilitated on existing audiovisual channels or by creating channels in each of the signatory countries. 	Argentina, Brazil, Colombia, Cuba, Spain, Italy, Mexico, Nicaragua, Panama, Peru and the Dominican Republic.	Indefinite	Protection of principle of the relevant agreements
	Latin American Cinematographic Agreement:	Argentina, Brazil, Colombia, Cuba, Spain, Italy, Mexico, Nicaragua, Panama, Peru and the Dominican Republic.	Indefinite	

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measures apply	Intended duration	Conditions creating the need for the exemption
	<ul style="list-style-type: none"> - National treatment for co-producing cinematographic works - Cinematographic works must be made by professionals who are nationals of or residents in the member States. - Movement and residence of the artistic and technical personnel working on cinematographic works are facilitated. - The import and export of material and equipment necessary for making co-produced cinematographic works is facilitated. - Co-producing countries are entitled to the profits of exploitation of the work on their territory. - Whatever system for the use of exchange of service, material and products that suits the co-producers may be agreed. - Directors of such co-productions must be nationals of or resident in one of the member co-producing States in Latin America, the Caribbean or other Spanish speaking or Portuguese speaking countries. 			