

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

RESTRICTED

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COMMUNICATION FROM TUNISIA

Conditional Offer by Tunisia of Initial Commitments in the  
Uruguay Round Negotiations on Trade in Services

Revision<sup>1</sup>

The following communication is circulated at the request of the permanent delegation of Tunisia to the members of the Group of Negotiations on Services.

Tunisia presents below its conditional offer concerning initial commitments on trade in services. This is a contribution to the negotiating process on the progressive liberalization of trade in services.

This offer is based on the draft final text of the General Agreement on Trade in Services. The services sectors and sub-sectors are presented following the classification contained in document MTN.GNS/W/120.

The present offer is subject to a satisfactory outcome of the current negotiations on trade in services. Consequently, Tunisia reserves the right to amend it or withdraw it in whole or in part at any time prior to the entry into force of the multilateral Agreement, in the light of the definitive text of the said Agreement and its sectoral annexes as well as the extent and nature of the offers of other parties. Tunisia further reserves the right to make technical amendments to its offer and to correct possible errors, omissions or inaccuracies therein.

All services and their modes of supply covered by the present offer are effected in compliance with the Constitution of Tunisia and international agreements, conventions and treaties to which the Government of Tunisia is a party.

1. Horizontal measures

The principal horizontal legislative and regulatory measures applying to all the sectors covered by this conditional offer are:

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<sup>1</sup>This document, initially circulated with the Annex in the original language, is now reissued with the Annex translated into English.

\*English only

- Law 59-146 of 5 November 1959 on protection of the national labour force;
- Law 68-7 of 8 March 1968 on the status of foreigners in Tunisia;
- Decree 68-198 of 22 June 1968 which regulates the entry and residence of foreigners in Tunisia;
- The Labour Code (Law No. 66-27 of 30 April 1966 enacting the Labour Code);
- Law 89-100 of 17 November 1989 enacting the Code of Investment in Service Activities and Foreign Exchange Notice No. 16;
- Law 88-110 on international trading companies;
- Decree Law 61-14 of 30 August 1961 on the exercise of certain commercial activities;

as well as all the implementing texts issued by the Ministry of Finance and Central Bank circulars.

## 2. Sector-specific measures

The principal laws and regulations applying to the sectors covered by the present offer are:

### (a) Banking and financial services

The Tunisian offer concerning banking and financial services relates to banking, securities management institutions and leasing institutions.

Bullion operations are subject to the joint authorization of the Central Bank of Tunisia (BCT) and the Ministry of Finance; the Central Bank has a monopoly in monetary gold.

- Law 67-51 of 7 December 1967 regulating the banking profession.
- Law 76-18 of 21 January 1976 revising foreign exchange legislation and its implementing decree No. 77-608 of 27 July 1977.
- Law 85-108 of 6 December 1985 to stimulate financial institutions working mainly with non-residents.
- Law 88-92 on investment companies.
- Law 89-49 of 8 March 1989 concerning the financial market.

(b) Insurance services

The Tunisian offer concerning insurance services covers life, accident and health insurance services, reinsurance and retrocession and broking and agency services.

- Law 92-24 of 9 March 1992 enacting the Insurance Code.

(c) Tourism

The Tunisian offer concerning tourism covers hotels, restaurants, tourist guides and travel agencies.

- Law 90-21 of 19 March 1990 enacting the Tourist Investment Code.

(d) Communications services

All services and their modes of supply concerned by the present offer are operated in accordance with current legislation and regulations.

This particularly involves the following texts:

- Law 77-58 of 3 August 1977 on the State monopoly in telecommunications.
- Decree of 11 June 1988 concerning the State monopoly in postal services.
- Law 88-1 of 15 January 1988 concerning individual or collective ground stations for the reception of programmes transmitted by satellite.
- Decrees 88-2000 of 12 February 1988 and 88-2001 of 12 February 1988 establishing the modalities for the issue of permits and conditions for the installation and operation of individual or collective ground stations for the reception of television signals by satellite.
- Decree 82-1363 of 21 October 1982 on the State monopoly on television transmission (chapter 6).
- Decree 90-1218 of 21 July 1990 establishing the modalities and conditions for the management of telecommunications terminals.
- Decree 88-928 of 19 May 1988 concerning the management of taxiphones.
- Decree 91-1837 of 2 December 1991 to approve the specifications establishing the technical and administrative conditions for the operation of a Public Telecommunications Centre (Publitel).

The above-mentioned list of legislation and regulations is by no means exhaustive. It is communicated only for the sake of transparency and should not be interpreted as meaning that the Tunisian Government undertakes any commitment in relation thereto unless otherwise specified in its offer list.

DEFINITIONS OF TERMS USED

- Not bound: Means that Tunisia has not entered into any commitments on the subject of market access or national treatment.
- No limitation: Means that Tunisia does not impose any limitations, conditions or restrictions with regard to market access and national treatment, other than the horizontal legislation described above.
- Not applicable: Means that a particular mode of supply is technically not feasible or appropriate for a sub-sector or given activity.

Mode of supply: 1 - Cross-border trade  
2 - Movement of consumers  
3 - Commercial presence  
4 - Movement of personnel

Sector/sub-sector	Mode of supply	Proposals on market access	Proposals on national treatment
Hotels	1	No limitation	No limitation
	2	No limitation	No limitation
	3	No limitation	No limitation
	4	No limitation	No limitation
Restaurants	1	No limitation	No limitation
	2	No limitation	No limitation
	3	No limitation	No limitation
	4	No limitation	No limitation
Tourist guides	1	Not bound	Not bound
	2	No limitation	No limitation
	3	No limitation	No limitation
	4	Authorized only for representatives of tour operators trading in Tunisia	Not bound
Travel agencies	1	Not bound	Not bound
	2	Not bound	Not bound
	3	Not bound	Not bound
	4	Not bound	Not bound

Mode of supply: 1 - Cross-border trade  
2 - Movement of consumers  
3 - Commercial presence  
4 - Movement of personnel

Sector	Mode of supply	Market access	National treatment
(a) Banking	1	No limitation	No limitation
	2	No limitation	No limitation
	3	No limitation	No limitation
	4	No limitation	No limitation
Financial trading	1	No limitation	No limitation
	2	No limitation	No limitation
	3	Governed by Law 89/49	Stockbrokers may be only of Tunisian nationality or citizenship.
	4	No limitation, subject to regulations	No natural person of foreign nationality may engage in financial activities. (Article 17 of Law 89/49)

Insurance Sub-Sector: Insurance Code contained in Law 92-24 of 9 March 1992

Mode of supply: 1 - Cross-border trade  
2 - Movement of consumers  
3 - Commercial presence  
4 - Movement of personnel

Sector/sub-sector	Mode of supply or delivery	Market access	National treatment
Sector: 7 Financial Services			
Sub-sector:			
A. All insurance and insurance-related services			
(a) Life, accident and health insurance services	1	Not bound	Not applicable
(b) Non-life insurance services	2	Not bound	Not applicable
	3	- Company under Tunisian Law - Licensed by the Minister of Finance - and other conditions required to engage in underwriting and execution of insurance contracts (Insurance Code enacted by Law 92/24 of 9 March 1992)	No limitation
	4	Not bound	Not bound

Mode of supply: 1 - Cross-border trade  
2 - Movement of consumers  
3 - Commercial presence  
4 - Movement of personnel

Sector/sub-sector	Mode of supply or delivery	Market access	National treatment
(c) Reinsurance and retrocession	1	No limitation Acceptance by the Minister of Finance of a special agent	No limitation
	2	No limitation	Not applicable
	3	No limitation but licensing and acceptance by the Minister of Finance of a special agent	No limitation
	4	Not bound	Not bound
(d) Services auxiliary to insurance (including broking and agency services)	1	Reinsurance broking: no limitation Direct insurance broking: not bound Agency: not bound	Not applicable Not applicable Not applicable
	2	Reinsurance broking: no limitation Direct insurance broking: not bound Agency: not bound	No limitation Not applicable Not applicable
	3	Not bound	Not applicable
	4	Not bound	Not bound



Mode of supply: 1 - Cross-border trade  
2 - Movement of consumers  
3 - Commercial presence  
4 - Movement of personnel

Sub-sector	Mode of supply	Proposals for market access	Proposals for national treatment
* Telecommunications:			
- Facsimile	1	Bound	Bound
- Taxiphone	2	Bound	Bound
- Parabolic antenna	3	Prior authorization from the Ministry	Prior authorization from the Ministry
- Telecoms terminals (equipment, cables, spare parts)	4	In accordance with current legislation	In accordance with current legislation
* Postal services:			
- Delivery of newspapers and printed material regardless of weight	1	Bound	Bound
	2	Bound	Bound
	3	Prior authorization from the Ministry	Prior authorization from the Ministry
	4	In accordance with current legislation	In accordance with current legislation

\* Connection to the National Telecommunications Network is under the exclusive control of the Ministry of Communications.

\* Activities permitted under the present list for the Telecommunications Sub-sector concern the manufacturing and marketing aspects.

The legislative and regulatory aspect is the subject of the horizontal measures referred to above.