

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

**RESTRICTED**  
**MTN.GNS/W/159**  
**16 December 1992**  
**Special Distribution**

**Group of Negotiations on Services**

**Original: English**

**COMMUNICATION FROM THE KINGDOM OF THE NETHERLANDS ON BEHALF OF ARUBA**

**Conditional Offer by the Kingdom of the Netherlands on behalf of Aruba  
concerning Initial Commitments on Trade in Services**

The following communication is circulated at the request of the Kingdom of the Netherlands on behalf of Aruba to the members of the Group of Negotiations on Services.

The Kingdom of the Netherlands on behalf of Aruba has the honour to present herewith its offer concerning initial commitments for negotiations in the framework of the future General Agreement on Trade in Services (GATS).

This offer applies only to the territory of Aruba which is part of the Kingdom of the Netherlands, but does not form part of the territory of the European Community. Aruba enjoys an autonomous status under the "Statute of the Kingdom of the Netherlands" as modified in 1986.

The external relations of Aruba as an overseas territory of an EC-member state are governed by Part IV of the Treaty of Rome. This offer does not prejudice or influence in any way the relations between Aruba and the European Community.

The present offer is subject to a satisfactory outcome of initial commitments in the services sector. Consequently the Kingdom of the Netherlands reserves the right to modify or withdraw the offer on behalf of Aruba, should no satisfactory result be reached in this respect.

The Kingdom's readiness to maintain the current offer will be dependent on the willingness of its negotiating partners to assume, taking into account their levels of development, comparable commitments to those assumed by the Kingdom on behalf of Aruba. The Kingdom will especially take into account the commitments taken on by the most important trading partners of Aruba in order to make their appreciation on whether the offer needs to be reduced, extended or withdrawn.

The offer has been established on the basis of the draft GATS and the Secretariat Note on Scheduling of Commitments dated 13 December 1991, as well as on the results of subsequent informal consultations in the context of the GNS. The Kingdom reserves the right to correct the offer to take into account any further clarifying discussions.

**GATT SECRETARIAT**

UR-92-0113

The nomenclature used is based on that set out in MTN.GNS/W/120, with some variations. Where possible, reference has been made to the Provisional Central Product Classification (CPC).

The Kingdom of the Netherlands on behalf of Aruba is ready to give further clarification on request and is also ready to participate in the negotiating sessions on initial commitments.

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
ON BEHALF OF ARUBA**

<b>Sector or subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
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All sectors: These limitations apply in all service sectors in Aruba.

- (3) As a general rule non-Arubans\* cannot establish as self-employed. Permission will only be granted if they possess expertise not available in Aruba.
- (3) As a general rule non-Arubans\* cannot establish as self-employed. Permission will only be granted if they possess expertise not available in Aruba.
- (4) Unbound
- (4) Non-Arubans\* need a special permission to become director of a company.

**Footnote:** \* In the framework of establishment of a corporation Arubans are defined as those persons of Dutch nationality born in Aruba and older than 21 years.

- (1) Cross-border supply  
(2) Consumption abroad

- (3) Presence of juridical persons  
(4) Presence of natural persons

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
ON BEHALF OF ARUBA**

**Sector or subsector      Limitations on Market Access      Limitations on National Treatment**

Legal services      (1) none      (1) none

Legal advice activities  
on home country and  
international law

(2) none

(3) none

(4) unbound

(1) none

(2) none

(3) none

(4) unbound

(1) none

(2) none

(3) none

(4) none

(1) none

(2) none

(3) none

(4) none

(1) none

(2) none

(3) none

(4) none

- (1) cross-border supply
- (2) consumption abroad

- (3) presence of juridical persons
- (4) presence of natural persons

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
ON BEHALF OF ARUBA**

<b>Sector or subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
Taxation services CPC 863	(1) none (2) none (3) none (4) unbound	(1) none (2) none (3) none (4) none
Engineering services CPC 8672	(1) none (2) none (3) none (4) unbound	(1) none (2) none (3) none (4) none
(1) cross-border supply (2) consumption abroad	(3) Presence of juridical persons (4) Presence of natural persons	

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
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<b>Sector or subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
Computer services CPC 841	(1) none (2) none (3) none (4) unbound	(1) none (2) none (3) none (4) none
Management consulting services CPC 865	(1) none (2) none (3) none (4) unbound	(1) none (2) none (3) none (4) none
(1) Cross-border supply (2) consumption abroad		(3) Presence of juridical persons (4) Presence of natural persons

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
ON BEHALF OF ARUBA**

<b>Sector or subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
<b>Construction</b> CPC 512	<p>(1) not applicable</p> <p>(2) none</p> <p>(3) A test of economic needs is applied. A moratorium for the construction of new hotels is in force.</p> <p>(4) unbound</p>	<p>(1) not applicable</p> <p>(2) none</p> <p>(3) none</p> <p>(4) none</p>
<b>Distribution: franchising</b> CPC 8929	<p>(1) none</p> <p>(2) none</p> <p>(3) none</p> <p>(4) unbound</p>	<p>(1) none</p> <p>(2) none</p> <p>(3) none</p> <p>(4) none</p>
		<p>(3) Presence of juridical persons</p> <p>(4) Presence of natural persons</p>
		<p>(1) Cross-border supply</p> <p>(2) Consumption abroad</p>

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
ON BEHALF OF ARUBA**

**Sector or subsector      Limitations on Market Access      Limitations on National Treatment**

Aruba intends to bind all financial service sectors in accordance with the provisions contained in the "understanding on commitments on financial services"

Banking and securities trade	(1) none	(1) none	(1) none
	(2) Residents of Aruba need permission from the central bank for the purchase of foreign securities above AFL 50.000 *.	(2) none	
	(3) Off-shore companies can not operate on the domestic market. A test of economic needs is applied for the establishment of branches and subsidiaries on the domestic market (incl. expansion of activities of established banks through new branches).	(3) none	
	(4) unbound		(4) A non-Araban needs permission to become director of a financial institution.
(1) Cross-border supply (2) Consumption abroad		(3) Presence of juridical persons (4) Presence of natural persons	

Footnote : \* The Aruban Florin is pegged to the US-dollar at US\$ 1.00 to AFL 1.79.

(1) Cross-border supply  
(2) Consumption abroad

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
ON BEHALF OF ARUBA**

<b>Sector or subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
Insurance		
	(1) none	(1) none
	(2) none	(2) none
	(3) Off-shore companies can not operate on the domestic market. A test of economic needs is applied for the establishment of branches and subsidiaries in the domestic market.	(3) none
	(4) unbound	(4) A non-Aruban needs permission to become director of a financial institution.
		(1) Cross-border supply (2) Consumption abroad
		(3) Presence of juridical persons (4) Presence of natural persons

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
ON BEHALF OF ARUBA**

<b>Sector or subsector</b>	<b>Limitations on Market Access</b>				<b>Limitations on National Treatment</b>			
<b>Tourism: hotel lodging services CPC 6411</b>	(1) not applicable				(1) not applicable			
	(2) none				(2) none			
	(3) none				(3) none			
	(4) unbound				(4) none			
<b>Recreational and sporting services: entertainment services CPC 9619</b>	(1) not applicable				(1) not applicable			
	(2) none				(2) none			
	(3) none				(3) none			
	(4) unbound				(4) none			
(1) cross-border supply					(3) Presence of juridical persons			
(2) consumption abroad					(4) Presence of natural persons			

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
ON BEHALF OF ARUBA**

<b>sector or subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
Recreational and sporting services: recreation park and beach services CPC 96491	(1) not applicable (2) none (3) none (4) unbound	(1) not applicable (2) none (3) none (4) none
Recreational and sporting services: sporting services CPC 9641	(1) not applicable (2) none (3) none (4) unbound	(1) not applicable (2) none (3) none (4) none

- (1) Cross-border supply
- (2) Consumption abroad
- (3) Presence of juridical persons
- (4) Presence of natural persons

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE KINGDOM OF THE NETHERLANDS  
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<b>Sector or subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
Road transport	(1) not applicable	(1) not applicable
CPC 71231		
71234	(2) none	(2) none
71239	(3) none	(3) none
	(4) unbound	(4) none
Shipping freight and passengers	(1) none	(1) none
	(2) none	(2) none
	(3) none	(3) All vessels registered in Aruba must fly the flag of the Kingdom of the Netherlands. Such vessels must be owned by an Aruban company. The captain must be a Dutch national (waiver possible).
	(4) unbound	(4) none
(1) cross-border supply		(3) Presence of juridical persons
(2) consumption abroad		(4) Presence of natural persons

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Sector or subsector	Limitations on Market Access	Limitations on National Treatment
Maritime auxiliary services: cargo-handling	(1) not applicable (2) none	(1) not applicable (2) none
	(3) Cargo-handling in the harbours of Aruba is a monopoly of the Aruba Stevedooring Company.	(3) none
	(4) unbound	(4) none
Freight transport: agency services/ freight forwarding	(1) none (2) none	(1) none (2) none
	(3) none	(3) none
	(4) unbound	(4) none
(1) Cross-border supply (2) Consumption abroad	(3) Presence of juridical persons (4) Presence of natural persons	