

MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND

RESTRICTED

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COMMUNICATION FROM THE KINGDOM OF THE NETHERLANDS WITH RESPECT
TO THE NETHERLANDS ANTILLES

Conditional Offer by the Kingdom of the Netherlands with respect to the
Netherlands Antilles concerning Initial Commitments on Trade in Services

The following communication is circulated at the request of the Kingdom of the Netherlands with respect to the Netherlands Antilles to the members of the Group of Negotiations on Services.

The Kingdom of the Netherlands with respect to the Netherlands Antilles 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 Kingdom of the Netherlands with respect to the Netherlands Antilles. The Netherlands Antilles are a part of the Kingdom of the Netherlands, but enjoy an autonomous status under the "Statute of the Kingdom of the Netherlands" of 1954, as modified in 1986. The Netherlands Antilles consist of the islands of Curacao, Bonaire, St. Maarten, St. Eustatius and Saba. The Netherlands Antilles do not form part of the European territory of the Kingdom of the Netherlands. The Kingdom of the Netherlands is a member state of the European Economic Community, but the Treaty establishing the European Economic Community applies fully only with respect to its territory in Europe.

The Netherlands Antilles are considered as an overseas Country or Territory of a member state of the European Economic Community in the sense of Article 227, paragraph 3 of the Treaty of Rome, 1957. The relations between the Netherlands Antilles and the European Economic Community are governed by Part IV of the Treaty of Rome and Decisions by the Council of Ministers of the European Economic Community in the application thereof. This offer does not prejudice or influence in any way the relations between the Netherlands Antilles and the European Economic Community.

The present offer is subject to a satisfactory outcome of the initial commitments negotiations in the services sector in the Uruguay Round. Consequently, the Kingdom of the Netherlands reserves the right to modify or withdraw this offer, 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 with respect to the Netherlands Antilles. The Kingdom will especially take into account the commitments taken on by the most important trading partners of the Netherlands Antilles 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.

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 with respect to the Netherlands Antilles 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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
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All sectors: These limitations apply in all service sectors in the Netherlands Antilles (N.A.).

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| <p>(3) As a general rule incorporation in the N.A. is required. Branches need a permission.</p> <p>(4) A test of economic needs is applied to all categories of natural persons. At least one managing director either as individual or a legal entity, must be a resident of the N.A., and must be appointed at the time of incorporation.</p> | <p>(3) Non-Antillians' need a permission to establish as self-employed, for which a test of economic needs is applied</p> <p>(4) Non-Antillians' need a special permission to become director of a company.</p> |
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Footnote: * In the framework of establishment Antillians are defined as those persons of Dutch nationality born in the N.A.

- (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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

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	(2) none
	(3) none	(3) none
	(4) none	(4) none
Accountancy CPC 862	(1) unbound	(1) unbound
	(2) unbound	(2) unbound
	(3) none	(3) none
	(4) none	(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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
Taxation services CPC 863	(1) none (2) none (3) none (4) none	(1) none (2) none (3) none (4) none
Engineering services CPC 8672	(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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Acces	Limitations on National Treatment
Computer services CPC 841	(1) none (2) none (3) none (4) none	(1) none (2) none (3) none (4) none
Management consulting services CPC 865	(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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
Construction CPC 512	(1) not applicable (2) none (3) none (4) none	(1) not applicable (2) none (3) none (4) none
Distribution: franchising CPC 8929	 (1) none (2) none (3) Not more than 25% of the shares of a franchise can be held by the mother company abroad (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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
<p>The Netherlands Antilles intend to bind all financial service sectors in accordance with the provisions contained in the "understanding on commitments on financial services"</p>		
<p>FINANCIAL SERVICES</p>		
Banking and securities trade		
Secondary financial institutions	(1) none (2) none (3) A: Must be limited liability companies or branches of a foreign financial institution	(1) none (2) none (3) none
		B: 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).
		C: Only branches and subsidiaries of the top 1000 banks may be admitted.
		(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
WITH RESPECT TO THE NETHERLANDS ANTILLES

Sector or subsector Limitations on Market Access Limitations on National Treatment

Secondary financial institutions

(continued)

- (4) The managing directors must be natural persons and residents of the N.A. Their appointment is subject to approval by the Central Bank.

- (4) none

Footnotes: * Capital transactions are subject to a license granted by the Central Bank, according to the foreign exchange regulations of the N.A.

** A secondary financial institution is defined as an enterprise or institution whose activities consist primarily of obtaining funds from third parties in the form of savings or debenture with the purpose of investing or lending these funds. A secondary financial institution is not a money creating entity and therefore has no effect on the total money supply.

- (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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
General banks*		
	(1) none	(1) none
	(2) none	(2) none
	(3) A: Must be limited liability companies or branches of a foreign financial institution	(3) none
	<p>B: 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).</p>	
	<p>C: Only branches and subsidiaries of the top 1000 banks may be admitted.</p>	
	<p>(4) The managing directors must be natural persons and residents of the N.A. Their appointment is subject to approval by the Central Bank.</p>	
Footnote: *	A general bank is defined as an enterprise or institution whose activities consist primarily of regularly obtaining funds on account from third parties and/or lending	
	(1) Cross-border supply	(3) Presence of juridical persons
	(2) Consumption abroad	(4) Presence of natural persons

funds to third parties in the form of loans.

- (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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
International banks*		
	(1) none	(1) none
	(2) none	(2) none
	(3) Must be legal entities or branches of foreign financial institutions. Only subsidiaries or branches of the top 1000 banks of the world are admitted.	(3) none
	(4) At least one of the managing directors, being a natural person, must be a resident of the N.A.. The appointment is subject to approval by the Central Bank.	(4) none

Footnote: * A international bank is defined as an enterprise whose activities consist primarily of regularly obtaining funds on account from third parties being non-residents and/or from the capital market, with the purpose of relending these funds to third parties being non-residents in the form of loans. Since international banks are not subject to the restrictions in the foreign exchange regulations, those banks are not allowed to operate on the domestic market.

- (1) cross-border supply (3) Presence of juridical persons
- (2) consumption abroad (4) Presence of natural persons

**SCHEDULE OF SPECIFIC COMMITMENT'S OF THE KINGDOM OF THE NETHERLANDS
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
Insurance		
Domestic insurance companies.	(1) none	(1) none
	(2) none	(2) none
		(3) Must be limited liability companies or mutual companies if the seat is registered within the N.A. A test of economic needs is applied for the establishment of branches and subsidiaries in the domestic market.
		(4) The managing director, being a natural person, must be a resident of the N.A.
Footnote: *	Domestic insurance companies are defined as insurance companies conducting business primarily within the N.A.	
(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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
Insurance		
International insurance companies	(1) none	(1) none
	(2) none	(2) none
	(3) Must be limited liability companies or mutual companies.	(3) none
		(4) The managing director, being a natural person, must be a resident of the N.A.

Footnote: * An international insurance company is defined as an insurance company, conducting business outside the N.A. with non-residents. International insurance companies are not allowed to operate on the domestic market.

- (1) cross-border supply
- (2) consumption abroad
- (3) presence of juridical persons
- (4) presence of natural persons

- (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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
Tourism: hotel lodging services CPC 6411	(1) not applicable (2) none (3) none (4) none	(1) not applicable (2) none (3) none (4) none
Recreational and sporting services: entertainment services CPC 9619	(1) not applicable (2) none (3) none (4) none	(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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
Recreational and sporting services: recreation park and beach services CPC 96491	(1) not applicable (2) none (3) none (4) none	(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) none	(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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

Sector or subsector	Limitations on Market Access	Limitations on National Treatment
Road transport	(1) not applicable	(1) not applicable
CPC 71231		
71234	(2) none	(2) none
71239	(3) none	(3) none
	(4) none	(4) none
Shipping freight and passengers	(1) none	(1) none
	(2) none	(2) none
	(3) none	(3) All vessels registered in the N.A. must fly the flag of the Kingdom of the Netherlands. Such vessels must be owned by a N.A. company. The captain must be a Dutch national (waiver possible).
	(4) none	(4) none
(1) Cross-border supply	(3) Presence of juridical persons	
(2) Consumption abroad	(4) Presence of natural persons	

Footnote: * Dutch: national of the Kingdom of the Netherlands.

- (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
WITH RESPECT TO THE NETHERLANDS ANTILLES**

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