

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Group of Negotiations on Services

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COMMUNICATION FROM TUNISIA

**Conditional Offer by Tunisia of Initial Commitments
on Trade in Services**

Revision¹

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, in the context of its participation in the Uruguay Round negotiations, its revised offer on trade in services.

This offer is subject to:

1. A satisfactory outcome to the current negotiations on trade in services aimed at establishing a framework agreement on trade in services.
2. Balanced overall results in the Uruguay Round negotiations.
3. Compliance with the laws, rules and provisions in force in Tunisia, as well as bilateral agreements, international conventions and treaties concluded by the Tunisian Government and commitments at regional, sub-regional and inter-regional level.

Tunisia's offer may be revised, expanded or withdrawn, prior to the entry into force of the Framework Agreement, in the light of its appraisal of its interests.

Horizontal measures

Any foreign natural person wishing to engage in a salaried profession of any kind whatsoever in Tunisia must have a contract of employment endorsed by the competent authorities, except for expatriates of countries with which Tunisia is bound by an agreement on establishment under which the above-mentioned endorsement is not necessary.

Foreign, natural or legal persons wishing to engage in a trading activity in Tunisia must be in possession of a trader's licence.

¹This communication contains the first revision of Tunisia's conditional offer. It is circulated as MTN.GNS/W/158/Rev.2 because the English text of the original offer was circulated as MTN.GNS/W/158/Rev.1.

Legal persons are of foreign nationality when they do not satisfy the following conditions for Tunisian nationality:

- (a) They are constituted in accordance with the laws in force and have their registered office in Tunisia;
- (b) At least 50 per cent of their share capital must consist of registered securities held by Tunisian natural or legal persons;
- (c) A majority of their board of directors, management or supervisory board must be natural persons of Tunisian nationality;
- (d) Their chairman, managing director or management must be natural persons of Tunisian nationality.

In addition, a company is Tunisian if its registered office is in Tunisia and the State or local authorities are direct or indirect shareholders.

Service activities which are wholly export-oriented are open without restriction to foreigners. The same applies to international trade and business activities by non-resident companies which are not subject to the requirement of a trader's licence.

Natural or legal persons who do not possess Tunisian nationality may not engage in the following activities, in any form whatsoever, unless otherwise permitted by the competent authority: buildings manager, commission agent, broker, commercial agent, consignee, general representative, general or special agent for insurance companies, sales representative, commercial representative.

Sector specific measures

(a) Tourism

The Tunisian offer concerning tourism covers hotels, tourist restaurants, tourist guides and travel agencies, in accordance with the provisions of the law in force. The creation of companies engaging in tourism is subject to approval by the competent authorities.

(b) Insurance services

The offer concerning insurance covers all life, accident and health and other insurance services. It also covers reinsurance and retrocession together with broking and agency services.

Risks within Tunisia and persons domiciled there can only be insured by contracts underwritten with insurance companies which have resident status.

In order to be approved, insurance companies must be subject to Tunisian law and constituted in one of the following forms:

- limited liability company;
- mutual society;

- agricultural mutual fund.

An insurance or reinsurance company working primarily with non-residents may be set up in Tunisia as a company registered under Tunisian law or as a non-resident branch under an agreement concluded with the competent authorities. They may engage in insurance business in Tunisia relating to risks other than those which must be covered locally.

(c) Banking and financial services

The offer covers banking and finance, equivalent institutions, and financial market development institutions such as unit trust funds (SICAF and SICAV) and other securities management services.

Banking operations undertaken in the form of limited liability companies, regardless of the degree of foreign participation, and of branches of foreign banks require the authorization of the Ministry of Finance after consultation with the National Credit Council following a report by the Central Bank of Tunisia (BCT), which is responsible for notification.

Banking operations in Tunisia fall into three categories: deposit banks, investment banks and offshore banks.

The operations of investment companies in the form of limited liability companies is subject to authorization by the Ministry of Finance on the advice of the BCT and the Stock Exchange.

Stock exchange intermediaries must be natural or legal persons of Tunisian nationality or Tunisian banks.

It should also be noted that companies enjoying non-resident status (offshore) are exempt from exchange control requirements as regards their current foreign operations.

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

(d) Telecommunications services

The Tunisian offer relating to telecommunications services covers facsimile, telephone and postal services.

Definitions of terms used

Not bound: Means that Tunisia has not entered into any commitments on the sector concerned and its appropriate mode of supply and may maintain measures restricting market access or national treatment.

No limitation: Means that Tunisia does not impose any measures, limitations or conditions with regard to market access and national treatment, other than the horizontal legislation described above.

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

Sector or sub-sector	CPC Code	Mode of supply	Proposals for market access	Proposals for national treatment
Hotels	6411	1 2 3 4	Not bound* No limitation No limitation: prior authorization from the Ministry of Tourism No limitation	Not bound* No limitation No limitation: prior authorization from the Ministry of Tourism No limitation
Restaurants (excluding unclassified restaurants)	6421	1 2 3 4	Not bound* No limitation No limitation: prior authorization from the Ministry of Tourism No limitation	Not bound* No limitation No limitation: prior authorization from the Ministry of Tourism No limitation
Tourist guides	7472	1 2 3 4	Not bound No limitation Not bound Authorized for representatives of tour operators trading in Tunisia	Not bound No limitation Not bound Not bound
Travel agencies	7471	1 2 3 4	Not bound No limitation Not bound Not bound	Not bound No limitation Not bound Not bound

*Not bound for technical reasons.

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 - 4 - Movement of personnel

Sector or sub-sector	CPC Code	Mode of supply	Proposals for market access	Proposals for national treatment
Wholesale bank deposit services	81115	1 2 3 4	No limitation Not bound No limitation Non-resident institutions may freely recruit foreign management staff subject to notification of such recruitment to the Ministry of Employment and the BCT.	No limitation Not bound No limitation Not bound
Other bank deposit services	81116	1 2 3 4	No limitation Not bound No limitation Non-resident institutions may freely recruit foreign management staff subject to notification of such recruitment to the Ministry of Employment and the BCT.	No limitation Not bound No limitation Not bound
Mortgage loan services	81131	1 2 3 4	No limitation Not bound No limitation Not bound	No limitation Not bound No limitation Not bound

- Mode of supply:**
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Sector or sub-sector	CPC Code	Mode of supply	Proposals for market access	Proposals for national treatment
Personal instalment loan services	81132	1 2 3 4	No limitation Not bound No limitation Not bound	No limitation Not bound No limitation Not bound
Credit card services	81133	1 2 3 4	No limitation Not bound No limitation Not bound	No limitation Not bound No limitation Not bound
Financial intermediation services other than insurance and pension fund services	81191	1 2 3	No limitation Not bound Stock exchange intermediaries must be natural or legal persons of Tunisian nationality or Tunisian banks	No limitation Not bound Stock exchange intermediaries must be natural or legal persons of Tunisian nationality or Tunisian banks
Investment trust services		4	Not bound	Not bound

- Mode of supply:
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Sector or sub-sector	CPC Code	Mode of supply	Proposals for market access	Proposals for national treatment
Property unit trust services	81192	1 2 3 4	No limitation Not bound Stock exchange intermediaries must be natural or legal persons of Tunisian nationality or Tunisian banks Not bound	No limitation Not bound Stock exchange intermediaries must be natural or legal persons of Tunisian nationality or Tunisian banks Not bound
Other unit trust services and other securities management services	81193	1 2 3 4	No limitation Not bound Stock exchange intermediaries must be natural or legal persons of Tunisian nationality or Tunisian banks Not bound	No limitation Not bound Stock exchange intermediaries must be natural or legal persons of Tunisian nationality or Tunisian banks Not bound
Intermediation services n.e.c.	81199	1 2 3 4	No limitation Not bound Stock exchange intermediaries must be natural or legal persons of Tunisian nationality or Tunisian banks Not bound	No limitation Not bound Stock exchange intermediaries must be natural or legal persons of Tunisian nationality or Tunisian banks Not bound

- Mode of supply:
- 1 - Cross-border trade
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Sector or sub-sector	CPC Code	Mode of supply	Proposals for market access	Proposals for national treatment
Services related to securities markets	81321	1 2 3 4	No limitation Not bound No limitation Not bound	No limitation Not bound No limitation Not bound
Securities broking services				
Portfolio management services	81323	1 2 3 4	No limitation Not bound No limitation Not bound	No limitation Not bound No limitation Not bound
Other services related to securities markets	81329	1 2 3 4	No limitation Not bound No limitation Not bound	No limitation Not bound No limitation Not bound
Other services auxiliary to financial intermediation	81331	1 2 3 4	No limitation Not bound No limitation Not bound	No limitation Not bound No limitation Not bound
Loan broking services				
Financial consultancy services	81332	1 2 3 4	No limitation Not bound No limitation Not bound	No limitation Not bound No limitation Not bound

- Mode of supply:**
1. Cross-border trade
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Sector or sub-sector	CPC Code	Mode of supply	Market access	National treatment
Financial services				
All insurance and insurance related services	812			
Life, accident and health insurance services	8121	<p>1 Not bound</p> <p>2 Not bound</p>	<p>Not bound</p> <p>Licensed by the Minister of Finance: - Company under Tunisian Law</p> <ul style="list-style-type: none"> - Form of company: Limited liability company and mutual society - Minimum share capital: 1 and 3 million dinars respectively to engage in one or more categories of insurance 	<p>Not bound</p> <p>No limitation</p>
		<p>3 4</p>	<p>No limitation*</p> <p>No limitation*</p>	<p>No limitation</p> <p>No limitation</p>

- Mode of supply:**
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Sector or sub-sector	CPC Code	Mode of supply	Market access	National treatment
Non-life insurance services	8129	1 2 3	Not bound Not bound Licensed by the Minister of Finance: <ul style="list-style-type: none"> - Company under Tunisian Law - Form of Company: Limited liability company and mutual society - Minimum share capital: 1 and 3 million dinars respectively to engage in one or more categories of insurance 4 No limitation	Not bound Not bound No limitation No limitation
Reinsurance and retrocession	81299	1	<ul style="list-style-type: none"> - Prior approval - Acceptance by the Ministry of Finance of a special agent 2 With previously licensed operators and a special agent accepted by the Ministry of Finance	No limitation No limitation No limitation

- Mode of supply:**
1. Cross-border trade
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Sector or sub-sector	CPC Code	Mode of supply	Market access	National treatment
	3	Insurance and reinsurance institutions working primarily with non-residents may be established in Tunisia in the form of a company under Tunisian law or a non-resident branch in the context of a convention concluded with the competent authorities. They may engage in the insurance in Tunisia of risks other than those whose cover must be underwritten locally. They must submit for acceptance by the competent authorities an agent specially responsible for the management of all their proposed operations in Tunisia.	No limitation	
	4	No limitation	No limitation	

- Mode of supply:**
1. Cross-border trade
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Sector or sub-sector	CPC Code	Mode of supply	Market access	National treatment
Services auxiliary to insurance (including broking and agency services)	8140	1 2 3 4	Not bound Not bound Not bound No limitation	Not bound Not bound Not bound No limitation
*Telecommunications			No limitation No limitation No limitation other than the provisions of the Telecommunications Code	No limitation No limitation No limitation
- Facsimile	7521	1	Law No. 77-58 of 3 August 1977, which lays down in Chapter II, Article 3 that in consideration of the provisions of the Telecommunications Code and particularly Articles 4 and 5, a general monopoly is created for the benefit of the State in respect of telecommunications. The Minister of Communications is responsible for administering this monopoly and	Law No. 77-58 of 3 August 1977, which lays down in Chapter II, Article 3 that in consideration of the provisions of the Telecommunications Code and particularly Articles 4 and 5, a general monopoly is created for the benefit of the State in respect of telecommunications. The Minister of Communications is responsible for administering this monopoly and
- Public telephone services	7529	2 3		

* Reference should be made to the horizontal measures concerning movement of personnel.

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

Sector	CPC Code	Mode of Supply	Proposals for Market Access	Proposals for National Treatment
			Article 7, paragraph 1 provides that no one may install or operate telecommunications on Tunisian territory by any means without prior authorization.	
		4	No limitation except for horizontal measures	No limitation except for horizontal measures
*Postal services	7512	1 2 3	No limitation No limitation No limitation except for the provisions of the Decree of 11 June 1888 instituting the postal monopoly. Article 1, paragraph 3 of the Decree provides that the Tunisian post office alone is authorized to carry telegrams issued on State service, private letters whether or not sealed, and generally any written article under the conditions and subject to the exceptions specified in administrative rules and regulations.	No limitation No limitation No limitation
		4	No limitation except for horizontal measures.	No limitation except for horizontal measures.

* National and foreign business users have priority of connection to telephone, facsimile and telex services under the current regulations.