

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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COMMUNICATION FROM ROMANIA

Revised Conditional Offer of Initial Commitments
in the Field of Trade in Services

Revision

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

Romania submits below a revised version of its offer concerning its initial commitments in the field of trade in services. It replaces entirely the revised offer circulated in GATT document MTN.TNC/W/78/Add.1/Rev.1 of 16 April 1992.

The present offer is based on the draft text of the General Agreement on Trade in Services (document MTN.TNC/W/FA of 20 December 1991) and takes into consideration the bilateral negotiations on the initial commitments Romania has had after submitting its preceding offer. In general, the services sectors are classified according to the classification contained in document MTN.GNS/W/120 of 10 July 1991. The correspondence with the Provisional Central Product Classification List published by the United Nations in 1991 is given in brackets.

The present offer reflects, as the preceding one, Romania's situation of a country in transition to the market economy and, at the same time, the status of a developing country. The offer binds the provisions of the regulations in force in a number of sectors or sub-sectors of the trade in services. Supply of services in the services sectors and sub-sectors provided for in the present offer should be performed in compliance with the provisions of Romanian legislation and, as the case may be, with the bilateral and multilateral agreements to which the Government of Romania is a party.

Romania reserves its right to modify, complete, reduce, or withdraw its offer, at any time, before the conclusion of the negotiations on the trade in services, according to the following elements:

- the content of the draft text of the General Agreement on Trade in Services and of its sectoral annexes;

- the offers submitted by the other participants, mainly in fields of special interest to Romania;
- the extent of derogations from the Most-Favoured-Nation's Clause, required by other participants;
- the evolution in the legislative process at the national level, meant to create the legal framework necessary for the transition to the market economy.

At the same time, Romania reserves its right to operate technical modifications in its offer and to correct possible omissions or inaccuracies.

Romania's offer has two parts:

- Part I - Horizontal measures - applicable to all services sectors and sub-sectors covered by the present offer;
- Part II - Sectoral specific commitments in trade in services.

PART I - HORIZONTAL MEASURES

MODE OF DELIVERY OF SERVICES	LIMITATIONS ON MARKET ACCESS PURSUANT TO ARTICLE XVI	LIMITATIONS ON NATIONAL TREATMENT PURSUANT TO ARTICLE XVII
1.	2.	3.
<p><u>Commercial presence</u></p> <p>(a) Registration of foreign investment</p>	<p>Foreign investments in Romania are made on the basis of an application of the foreign investor, registered with the Romanian Development Agency. This Agency examines the compatibility of the application with the provisions of the Romanian legislation in the field. The applications for foreign investments which may affect the major interests of the national economy shall be endorsed by the Government at the proposal of the Romanian Development Agency. If within 30 days the foreign investor does not receive an answer it is considered that it can proceed with the investment. The quality of foreign investor in Romania is confirmed through the "Certificate of Investor" issued by the Romanian Development Agency. This document may be presented to the Romanian authorities as a proof of the rights conferred to the foreign investors by the Romanian legislation in the field.</p>	<p>There are no limitations other than those indicated under market access.</p>
(b) The right to own land	<p>Natural persons not having Romanian citizenship and residence in Romania, as well as legal persons not having Romanian nationality and their headquarters in Romania, cannot acquire ownership over any kind of land plots, through <u>inter vivos</u> acts.</p>	<p>There are no limitations other than those indicated under market access.</p>

MODE OF DELIVERY OF SERVICES	LIMITATIONS ON MARKET ACCESS PURSUANT TO ARTICLE XVI	LIMITATIONS ON NATIONAL TREATMENT PURSUANT TO ARTICLE XVII
1.	2.	3.
(c) Legislation on commercial companies		The sole administrator or the Chairman of the Board of Administration as well as half of the total number of administrators of the commercial companies shall be Romanian citizens if in the company contract or in its statutes is not otherwise stipulated. The majority of the commercial companies auditors and their deputies shall be Romanian citizens.
(d) Participation of foreign investors in privatization of commercial companies ¹	Unbound	Unbound

¹30 per cent of the capital of the State-owned commercial companies has been distributed free of charge to Romanian citizens through "Ownership Certificates" which cannot be sold to foreign legal and natural persons.

The remaining 70 per cent of the capital of these companies is to be put on sale.

Within the privatization process the foreign investors can buy assets and shares of commercial companies. Romanian legal and natural persons have a priority right in this respect. Under privatization through the MEBO method (Management-Employee-Buy-Out) the right to purchase a commercial company is reserved for its employees.

MODE OF DELIVERY OF SERVICES	LIMITATIONS ON MARKET ACCESS PURSUANT TO ARTICLE XVI	LIMITATIONS ON NATIONAL TREATMENT PURSUANT TO ARTICLE XVII
1. Presence of personnel	2. Unbound, excepting the entry and temporary stay in Romania of natural persons serving in management and expert jobs ² for the achievement of foreign investments in Romania.	3. There are no limitations.

²By natural persons serving in management jobs are understood to be those persons who, within an organization, have the task to manage this organization or one of its departments or divisions.

By natural persons serving in expert jobs are understood to be those persons who have degrees in the speciality of the position they occupy.

PART II - SECTORAL SPECIFIC COMMITMENTS IN TRADE IN SERVICES

1. Cross-border trade
2. Movement of consumers
3. Commercial presence
4. Temporary movement across the border of the personnel supplying services

Sector/Sub-Sector	Mode of Delivery	Limitations and Conditions on Market Access	Conditions and Qualifications on National Treatment
1	2	3	4
1.A.a. Legal services (861)	1, 2 3 4	None Only Romanian lawyers can grant legal assistance Unbound, excepting the opposite indications included in the Horizontal Measures section	None No limitations other than indicated in Market Access No limitations other than indicated in Market Access
1.A.d. +g. Architectural and urban planning services (8671-8674)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section	None No limitations other than indicated in Market Access
1.B. Informatic services 1.B.a. Consultancy services related to the installation of computer hardware (841)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section	None No limitations other than indicated in Market Access

1. Cross-border trade
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Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
1.B.b. Software development and implementation services (842)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section	None No limitations other than indicated in Market Access
1.B.c. Data processing services and data-entry (843)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section	None No limitations other than indicated in Market Access
1.B.d. Data-base services (844)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section	None No limitations other than indicated in Market Access
1.B.e. Computer services which are an integral part of the delivery of services of other categories (845 + 849)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section	None No limitations other than indicated in Market Access
1.F.c. +d. Consultancy services on management and services related to consultancy services on management	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section	None No limitations other than indicated in Market Access

1. Cross-border trade
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Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
Communication Services			
2.C.f.-n. Telecommunications value-added services ¹ (7521 + 7529, 7522 + 7523, 843)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section	None No limitations other than indicated in Market Access
2.D. Radio and television services:			
Production services of radio programmes (96131)	1	Unbound, excepting direct reception of programmes within the national territory	None
	2	None	None
Production of television programmes (96132)	3	A broadcasting licence and an authorizing decision has to be obtained on a competitive basis	Unbound

¹Do not include vocal telephony, telegraph and telex.

1. Cross-border trade
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Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
<p>Combined services of both producing and transmitting radio and television programmes (96133)</p> <p>2.D.d. Radio and television broadcasting services:</p> <p>Television broadcast transmission services (75241)</p> <p>Radio broadcast transmission services (75242)</p>	2	<p>Due to technical reasons the number of licences is limited</p> <p>The licence is granted only to Romanian legal persons with total or partial Romanian capital.</p> <p>The broadcasting licence is not transferable.</p> <p>A natural or legal person cannot be, directly or indirectly, an investor or majority share-holder in more than one audio-visual communication company; in other companies the person cannot hold more than 20 per cent of the social capital.</p> <p>Shares representing the social capital of companies possessing authorization for the exploitation of an audiovisual communication service shall be only nominative shares.</p>	4

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Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
		<p>The criteria for awarding a broadcasting licence provides for the favourization of national audiovisual creation and production.</p> <p>The broadcasting licence is granted for a limited period of five years in radio broadcasting and seven years in television. Upon expiry of the licence a new awarding competition is organized.</p> <p>Unbound, excepting the opposite indications included in the Horizontal Measures section.</p>	<p>No limitations other than indicated in Market Access.</p>
<p>2.D.d. Radio and television broadcasting services:</p> <p>Radio and television cable services (75300)</p>	<p>1</p> <p>2</p> <p>3</p>	<p>Unbound</p> <p>None</p> <p>A broadcasting licence and an authorizing decision has to be obtained on a competitive basis</p> <p>Due to technical reasons the number of licences is limited.</p>	<p>Unbound</p> <p>None</p> <p>None</p>

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Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
		<p>The licence is granted only to Romanian legal persons with total or partial Romanian capital.</p> <p>The broadcasting licence is not transferable.</p> <p>A natural or legal person cannot be, directly or indirectly, an investor of a majority shareholder in more than one audiovisual communication company; in other companies the person cannot hold more than 20 per cent of the social capital.</p> <p>Shares representing the social capital of companies possessing authorization for the exploitation of an audiovisual communication service shall be only nominative shares.</p> <p>The criteria for awarding a broadcasting licence provides for the favourization of national audiovisual creation and production.</p> <p>The period of validity for radio and television cable transmission licence is granted for a limited period of ten years. Upon expiry the period of validity can be prolonged on the user's request.</p>	

1. Cross-border trade
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Sector/Sub-Sector	Mode of Delivery	Limitations and Conditions on Market Access	Conditions and Qualifications on National Treatment
1	2	3	4
		Audio and video cable networks have to be owned by legal persons.	
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.
3. Construction Services			
3.A. General construction work for buildings (512)	1, 2, 3	None	None
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.
3.B. General construction works - civil engineering (bridges, roads, etc.) (513)	1, 2, 3	None	None
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.
3.C. Installation and assembly work, erection of prefabricated construction (514+516)	1, 2, 3	None	None
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.
3.D. Building completion and finishing work (517)	1, 2, 3	None	None
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.

1. Cross-border trade
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Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
Distribution Services ¹			
4.A. Commission agents' services (621)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None No limitations other than indicated in Market Access.
4.B. Wholesale trade services (622)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None No limitations other than indicated in Market Access.
4.C. Retailing services (631 + 632)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None No limitations other than indicated in Market Access.
6. Environmental services			
6.D. Other services	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None No limitations other than indicated in Market Access.

¹Do not include distribution services for ammunition, explosives, narcotics and medicines containing narcotics, tobacco products for cigarettes, alcohol and spirits.

1. Cross-border trade
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Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
7. Financial services			
7.A. Insurance and insurance-related services			
7.A.a. Life insurance services (8121)	1, 2	Unbound	Unbound
	3	The establishment of companies with foreign participation is allowed only by association with Romanian legal or natural persons. The representatives of foreign companies and of the associations of foreign insurers have the right to conclude insurance contracts only with foreign legal and natural persons.	None
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section	No limitations other than indicated in Market Access
7.A.b. Non-life insurance services (8129)	1, 2	Unbound	Unbound
	3	The establishment of companies with foreign participation is allowed only by association with Romanian legal or natural persons.	

1. Cross-border trade
2. Movement of consumers
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4. Temporary movement across the border of the personnel supplying services

Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
		<p>The representatives of foreign companies and of the associations of foreign insurers have the right to conclude insurance contracts only with foreign legal and natural persons and for their goods.</p> <p>Unbound, excepting the opposite indications included in the Horizontal Measures section</p>	<p>No limitations other than indicated in Market Access</p>
7.A.c. Reinsurance and retrocession services (81299)	<p>4</p> <p>1, 2</p> <p>3</p> <p>4</p>	<p>None</p> <p>The establishment of companies with foreign participation is allowed only in association with Romanian legal or natural persons.</p> <p>Unbound, excepting the opposite indications included in the Horizontal Measures section</p>	<p>None</p> <p>None</p> <p>No limitations other than indicated in Market Access</p>
7.A.d. Services auxiliary to insurance (including broking and agency services) (8140)	<p>1, 2</p> <p>3</p>	<p>Unbound</p> <p>The establishment of companies and intermediation agencies with foreign participation is allowed only in association with Romanian legal or natural persons.</p>	<p>Unbound</p> <p>None</p>

1. Cross-border trade
2. Movement of consumers
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4. Temporary movement across the border of the personnel supplying services

Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
	2	The opening of accounts and utilization of foreign currency resources abroad by natural and legal Romanian persons is allowed only with prior permission from the National Bank of Romania.	None
	3	None	None
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.
7.B.b. Other credit granting services (8113)	1, 2, 3	None	None
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.
7.B.d. Other services auxiliary to financial intermediation (81339)	1	Allowed only through a resident bank.	None
	2	The opening of accounts and utilization of foreign currency resources abroad by natural and legal Romanian persons is allowed only with prior permission from the National Bank of Romania.	None
	3	None	None
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.

1. Cross-border trade
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Sector/Sub-Sector	Mode of Delivery	Limitations and Conditions on Market Access	Conditions and Qualifications on National Treatment
1	2	3	4
7.B.e. Guarantees and commitments (8199)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None No limitations other than indicated in Market Access.
7.B.k. Consultancy and other auxiliary services (8131)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None No limitations other than indicated in Market Access.
<p>Additional information for transparency and clarification purposes:</p> <p>Normal prudential measures are applied to financial institutions, with a view to protecting the investors, depositors and to ensure the stability of the financial system. The establishment and the activity of banking companies are subject to an authorization from the National Bank of Romania. There are no restrictions for the establishment of a foreign bank in Romania, other than the observance of prudential measures set up by the National Bank of Romania. After the establishment of a commercial presence, the financial institutions have to carry out their transactions with residents only in the national currency of Romania.</p>			

1. Cross-border trade
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Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
9. Tourism and travel-related services ¹			
9.A. Hotels and restaurants (641-643)	1 2 3 4	Unbound ² None In the recreational services (casino type) foreign participation to the capital is limited at 49 per cent. Unbound, excepting the opposite indications included in the Horizontal Measures section.	Unbound ² None No limitations other than indicated in Market Access.
9.B.+C. Travel agencies, tour operators and tourist guides services (7471-7472)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None No limitations other than indicated in Market Access.

¹Including hotels and restaurants, travel agencies and tour operators, recreational and cultural activities (museums, monuments and natural reservations).

²Unbound due to lack of technical feasibility.

1. Cross-border trade
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Sector/Sub-Sector	Mode of Delivery	Limitations and Conditions on Market Access	Conditions and Qualifications on National Treatment
1	2	3	4
11. Maritime Transport Services			
11.A.a. Passenger transport (7211)	1 2, 3 4	None. Cabotage allowed with special permit None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None None No limitations other than indicated in Market Access.
11.A.b. Freight transport (7212)	1 2, 3 4	No limitations or conditions other than those stipulated in the UN Convention on a Code of Conduct for Liner Conferences and bilateral agreements. Cabotage allowed only with special permit. None Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations or conditions other than indicated in market access. None No limitations other than indicated in Market Access.
11.A.c. Rental of vessels with crew (7213)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None No limitations other than indicated in Market Access.
11.A.d. Maintenance and repair of vessels (8868)	1, 2, 3	None	No limitations other than indicated in Market Access. None

1. Cross-border trade
2. Movement of consumers
3. Commercial presence
4. Temporary movement across the border of the personnel supplying services

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	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.
11.A.e. Pushing and towing services (7214)	1 2, 3 4	A special permit from the Ministry of Transport is required. None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None None No limitations other than indicated in Market Access.
11.A.f. Supporting services for maritime transport (745)	1 2, 3 4	A special permit from the Ministry of Transport is required. None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None None No limitations other than indicated in Market Access.
11.H. Auxiliary maritime services 11.H.a. Cargo handling maritime services (741)	1 2, 3	Unbound' None	Unbound' None

'Unbound due to lack of technical feasibility.

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4. Temporary movement across the border of the personnel supplying services

Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.
11.H.b. Storage and warehouse services (742)	1 2, 3 4	Unbound' None Unbound, excepting the opposite indications included in the Horizontal Measures section.	Unbound' None No limitations other than indicated in Market Access.
11.H.c. Freight transport agency services (748)	1, 2, 3 4	None Unbound, excepting the opposite indications included in the Horizontal Measures section.	None No limitations other than indicated in Market Access.
11.C.d. Maintenance and repair of aircrafts (8868)	1, 2 3 4	None An authorization from the Romanian Aeronautical Authority is required. Unbound, excepting the opposite indications included in the Horizontal Measures section.	None None No limitations other than indicated in Market Access. None No limitations other than indicated in Market Access.

'Unbound due to lack of technical feasibility.

1. Cross-border trade
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Sector/Sub-Sector 1	Mode of Delivery 2	Limitations and Conditions on Market Access 3	Conditions and Qualifications on National Treatment 4
Sales and marketing services for air transport	1, 2 3	None (a) A foreign air company shall obtain a certificate of operator and shall be specified into bilateral agreements concluded between Romania and other countries in the field of air transport. (b) The country of origin of the applying foreign air company shall grant the same regime for Romanian companies. (c) The proof that domestic suppliers have not the capacity for the respective type of service.	None None
Computer-reservation services	1, 2, 3 4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.
11.F.a. + b. Road transport services (7121, 7122, 7123)	1 2, 3	None Unbound, excepting the opposite indications included in the Horizontal Measures section. Road transportation of goods and passengers in Romania requests a permit from the Ministry of Transport. Cabotage not allowed. None	None No limitations other than indicated in Market Access. None None

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Sector/Sub-Sector	Mode of Delivery	Limitations and Conditions on Market Access	Conditions and Qualifications on National Treatment
1	2	3	4
	4	Unbound, excepting the opposite indications included in the Horizontal Measures section.	No limitations other than indicated in Market Access.