

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

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Group of Negotiations on Services

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COMMUNICATION FROM ZAMBIA

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

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

Zambia presents below its preliminary offer concerning initial commitments on trade in services. This offer is conditional upon a satisfactory conclusion of negotiations aimed at establishing a General Agreement on Trade in Services and the achievement of balanced global results in the Uruguay Round.

For Zambia, a satisfactory conclusion in the negotiations on services implies the adoption of an Agreement on Trade in Services and Sectoral Annexes within the context of a balanced Uruguay Round package which promotes the interests of all developing countries and which provides adequate opportunity for export of services from Zambia.

By submitting this offer, Zambia reaffirms its commitment to a progressive liberalization of trade in services, with due regard to the levels of development of each participating country, in order to promote the interests of all parties on a mutually advantageous basis.

This offer is subject to the applicable Zambian laws, regulations and guidelines governing the sectors included in the offer.

It is understood that this offer is purely conditional and is subject to revision, modification, refinement and withdrawal.

The terms, limitations and conditions on market access as well as the conditions and qualifications on national treatment are specified according to the following interpretation of the four relevant modes of delivery:

<u>Cross-border trade:</u>	tradeable services in the strict sense, where neither capital nor labour mobility is involved;
<u>Movement of consumers:</u>	consumption of services abroad;
<u>Commercial presence:</u>	supply of a service by a service providing entity of a party from an establishment in the territory of another party (commitments do not by themselves include the movement of personnel);

Movement of natural persons: natural persons from one party providing services in the territory of another party, whether operating from a local establishment or not.

## **HORIZONTAL MEASURES**

### **1. Cross-border Trade**

The regulations governing international trade in services are similar to those governing the goods concerned. For specific reasons, certain services may be subject to restrictions or control measures. Such reasons may include, *inter alia*, temporary quantitative restrictions or customs surcharges due to balance of payments difficulties, safeguard measures, protection of health and life of persons, plants and environment, national security, etc.

### **2. Movement of Consumers**

Zambian consumers could freely travel abroad to buy services. The current deregulation of the foreign exchange market has removed all restrictions regarding payments in foreign currency.

### **3. Commercial Presence**

Commercial presence requires that foreign service providers incorporate or establish the business locally in accordance with the relevant provisions of Zambian laws.

Foreign investors can invest in all sectors of industry, exploration and production of natural resources, agriculture, infrastructure and communication, civil and industrial works, scientific research and technology development, trade, transportation, tourism, banking and insurance services and other services, provided that they do not infringe the regulation in force meant to protect the environment, Zambia's security and defence interests, the public order, health and morals.

Enterprises with foreign investment in Zambia have the same rights and responsibilities as domestic enterprises. Transfer abroad of profits after paying taxes due is subject to the existing foreign exchange regulations.

### **4. Movement of Natural Persons**

In Zambia, the entry and residence of foreign natural persons (service providers) are subject to Zambia's immigration and labour laws, regulations, guidelines and procedures. In accordance with Zambian legislations, the employment of foreign natural persons for the implementation of foreign investment shall be agreed upon by the contracting parties and approved by the Ministry of Interior; and such personnel shall be employed in management and expert jobs only. Enterprises must also provide for training in higher skills for Zambians to enable them to assume specialized roles.

**Definition of Terms**

<u>No restrictions</u>	This means that Zambia does not impose limitations, conditions or qualifications with respect to market access or national treatment other than those mentioned under horizontal measures.
<u>Not applicable</u>	This mode of delivery of service is not feasible.
<u>Bound</u>	This means that Zambia undertakes a commitment not to become more trade restrictive or more inconsistent with the market access and national treatment provisions of the General Agreement on Trade in Services than provided for in the existing measures set out in the schedule.
<u>Unbound</u>	This means that Zambia has not undertaken any commitments to bind existing laws and regulations affecting the conditions of market access or national treatment.

<b>Sector/Sub-sector</b>	<b><u>Limitations on Market Access</u></b>	<b><u>Limitations on National Treatment</u></b>
	(1) Cross-border Trade (2) Movement of Consumer (3) Commercial Presence (4) Movement of Natural Persons	(1) Cross-border Trade (2) Movement of Consumer (3) Commercial Presence (4) Movement of Natural Persons

<b><u>Sector or Sub-Sector</u></b>	<b><u>Limitations on Market Access</u></b>	<b><u>Limitations on National Treatment</u></b>
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## **PROFESSIONAL SERVICES**

### **b. Accountancy 862**

1. No restrictions	1. No restrictions
2. No restrictions	2. No restrictions
3. Work permit, registration, licensing required; Bound	3. No restrictions
4. Visa required; Bound	4. No restrictions

### **h. Medical and dental services 9312**

1. No restrictions	1. No restrictions
2. No restrictions	2. No restrictions
3. Work permit, registration, licensing required; Bound	3. No restrictions
4. Visa required; Bound	4. No restrictions

### **j. Services provided by midwives, nurses, physiotherapists and para-medical personnel 93191**

1. No restrictions	1. No restrictions
2. No restrictions	2. No restrictions
3. Work permit, registration, licensing required; Bound	3. No restrictions
4. Visa required; Bound	4. No restrictions

**HEALTH SERVICES**

- |   |   |  |
|---|---|--|
| a. Hospital services 9311                                 | 1. No restrictions<br>2. No restrictions<br>3. Work permit,<br>registration, licensing<br>required; Bound<br>4. Visa required;<br>Bound | 1. No restrictions<br>2. No restrictions<br>3. No restrictions<br>4. No restrictions |
|   |   |  |
| b. Other human health services<br>9319 (other than 93191) | 1. No restrictions<br>2. No restrictions<br>3. Work permit,<br>registration, licensing<br>required; Bound<br>4. Visa required;<br>Bound | 1. No restrictions<br>2. No restrictions<br>3. No restrictions<br>4. No restrictions |

**TOURISM AND TRAVEL  
RELATED SERVICES**

- |   |                    |
|---|--------------------|
| 1. Bound  | 1. Bound           |
| 2. Bound  | 2. Bound           |
| 3. Work permit,<br>registration, licensing<br>required; Bound | 3. No restrictions |
| 4. Visa required;<br>Bound                                    | 4. No restrictions |

**CONSTRUCTION AND RELATED  
ENGINEERING SERVICES**

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|---|--------------------|
| 1. No restrictions  | 1. No restrictions |
| 2. No restrictions  | 2. No restrictions |
| 3. Work permit,<br>registration, licensing<br>required; Bound | 3. No restrictions |
| 4. Visa required;<br>Bound                                    | 4. No restrictions |

**OTHER BUSINESS SERVICES**

e. Technical testing and analysis services 8676

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|---|--------------------|
| 1. Bound  | 1. Bound           |
| 2. Bound  | 2. Bound           |
| 3. Work permit,<br>registration, licensing<br>required; Bound | 3. No restrictions |
| 4. Visa required;<br>Bound                                    | 4. No restrictions |

h. Services incidental to mining, exploration 883+5115

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|---|--------------------|
| 1. Bound  | 1. Bound           |
| 2. Bound  | 2. Bound           |
| 3. Work permit,<br>registration, licensing<br>required; Bound | 3. No restrictions |
| 4. Visa required;<br>Bound                                    | 4. No restrictions |