

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Group of Negotiations on Services

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COMMUNICATION FROM SOUTH AFRICA

Draft Schedule of South Africa concerning
Initial Commitments on Trade in Services

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

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1. The following is South Africa's draft schedule of specific commitments under the General Agreement on Trade in Services based on its revised conditional offer of September 1993 (MTN.GNS/W/136/Rev.1) and reflecting the results of bilateral negotiations.
 2. This draft schedule has been prepared according to the Secretariat paper entitled **Scheduling of Initial Commitments in Trade in Services: Explanatory Note** (MTN.GNS/W/164 of 3 September 1993).
 3. South Africa reserves the right to withdraw or modify this draft schedule in whole or in part, depending on the degree to which other participants are ready to undertake satisfactory and mutually acceptable specific commitments on market access and national treatment and on the extent and significance of the most-favoured-nation exemptions sought by other participants.
 4. South Africa further reserves the right to make technical changes to this draft schedule and to correct any errors, omissions or inaccuracies.

DRAFT

GENERAL AGREEMENT ON TRADE IN SERVICES
SCHEDULE CONCERNING INITIAL COMMITMENTS
SOUTH AFRICA

November 1993

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
	<p>subsidiary, or affiliate established in South Africa and who have been in the prior employ of the juridical person outside South Africa for a period of not less than one year immediately preceding the date of application for admission:</p> <p>Executives - natural persons within the organisation who primarily direct the management of the organisation or establish goals and policies for the organisation or a major component or function of the organisation, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business.</p> <p>Managers - natural persons within an organisation who primarily direct the organisation, or a department or subdivision of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions and exercise discretionary authority over day-to-day operations at a senior level.</p> <p>Specialists - natural persons within an organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's product, service, research equipment, techniques, or management.</p>	

SECTOR OR SUB-SECTOR

LIMITATIONS ON
MARKET ACCESS

LIMITATIONS ON
NATIONAL TREATMENT

Professionals - natural persons who are engaged, as part of a services contract negotiated by a juridical person of another Member in the activity at a professional level in a profession set out in Part B, provided such persons possess the necessary academic credentials and professional qualifications, which have been duly recognised, where appropriate, by the professional association in South Africa.

C. Personnel Engaged in Establishment - natural persons who have been employed by a juridical person for a period of longer than one year immediately preceding the date of application for admission and who occupies a managerial or executive position and is entering South Africa for the purpose of establishing a commercial presence on behalf of the juridical person.

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
<u>PART B - SPECIFIC COMMITMENTS APPLICABLE TO INDIVIDUAL SECTORS</u>		
Coding		
W 120 CPC		
<u>1. BUSINESS SERVICES</u>		
<u>A. Professional Services</u>		
1Aa 861 +	Legal services (advisory services in foreign and international law only)	(1) Unbound (2) Unbound (3) None (4) Unbound except as indicated in the horizontal section
1Aa 861 +	Legal services (domestic law only)	(1) Unbound (2) Unbound (3) An advocate is not allowed to form a partnership/company (4) Unbound except as indicated in the horizontal section
1Ab 862 +	Accounting and auditing Auditing	(1) Unbound (2) Unbound (3) Citizenship requirement for accreditation (4) None

SECTOR OR SUB-SECTOR		LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
1Ac 863	Taxation services (excluding legal services)	(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated the horizontal section	(4) None
1Ad 8671	Architectural services	(1) For building plans of 500 m2 and over the services of a locally registered architect have to be utilised.	(1) None
		(2) For building plans of 500 m2 and over the services of a locally registered architect have to be utilised.	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None
1Ae 8672	Engineering services	(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None
1Af 8673	Integrated engineering services	(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None

SECTOR OR SUB-SECTOR		LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
1Ag 8674	(i) Urban planning services	(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None
	(ii) Landscape architectural services	(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None
1Ah 9312	Medical and dental services	(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None
1Ai 932	Veterinary services	(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None
1Aj 93191	Services provided by: (i) Midwives and nurses	(1) Unbound *	(1) Unbound *
		(2) Unbound *	(2) Unbound *
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
(ii) Physiotherapists and paramedical personnel	(1) Unbound * (2) Unbound * (3) None (4) Unbound except as indicated in the horizontal section	(1) Unbound * (2) Unbound * (3) None (4) None
<u>B. Computer and Related Services</u>		
1Ba 841	Consultancy services related to the installation of computer hardware	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
1Bb 842	Software implementation services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
1Bc 843	Data processing services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
1Bd 844	Data base services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
1Be 8450	Maintenance and repair services of office machinery and equipment including computers	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
<u>D. Real Estate Services</u>		
1Da 821	Involving own or leased property	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
1Db 822	On a fee or contracting basis	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
<u>E. Rental/Leasing Services without Operators</u>		
1Ea 83103	Relating to ships	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section

SECTOR OR SUB-SECTOR		LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
1Eb	83104	Relating to aircraft	(1) None (2) None (3) None (4) None
1Ec	83101 + 83102 + 83105	Relating to other transport equipment	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
1Ed	83106 83107 83108 83109	Relating to other machinery and equipment	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
1Fb	864	Market research and public opinion polling services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section

F. Other Business Services

SECTOR OR SUB-SECTOR		LIMITATIONS ON MARKET ACCESS		LIMITATIONS ON NATIONAL TREATMENT	
1Fc	865	Management consulting services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) None	None None None None
1Fd	866	Services related to management consulting	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) None	None None None None
1Fe	8676	Technical testing and analysis services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) None	None None None None
1Ff	881	Services incidental to agriculture, hunting and forestry	(1) Unbound (2) Unbound (3) None (4) Unbound except as indicated in the horizontal section	(1) Unbound (2) Unbound (3) None (4) None	Unbound Unbound None None
1Fg	882	Services incidental to fishing	(1) Unbound (2) Unbound (3) None (4) Unbound except as indicated in the horizontal section	(1) Unbound (2) Unbound (3) None (4) None	Unbound Unbound None None

SECTOR OR SUB-SECTOR		LIMITATIONS ON MARKET ACCESS				LIMITATIONS ON NATIONAL TREATMENT			
1Fh	883 5115	Services incidental to mining	(1)	Unbound	(1)	Unbound			
			(2)	Unbound	(2)	Unbound			
			(3)	None	(3)	None			
			(4)	Unbound except as indicated in the horizontal section	(4)	None			
1Fi	884 885	Services incidental to manufacturing	(1)	Unbound	(1)	Unbound			
			(2)	Unbound	(2)	Unbound			
			(3)	None	(3)	None			
			(4)	Unbound except as indicated in the horizontal section	(4)	None			
1Fk	872	Placement and supply services of personnel	(1)	None	(1)	None			
			(2)	None	(2)	None			
			(3)	None	(3)	None			
			(4)	Unbound except as indicated in the horizontal section	(4)	None			
1Fl	873	Investigation and security	(1)	None	(1)	None			
			(2)	None	(2)	None			
			(3)	None	(3)	None			
			(4)	Unbound except as indicated in the horizontal section	(4)	None			
1Fm	8675	Engineering related scientific and technical consulting services	(1)	None	(1)	None			
			(2)	None	(2)	None			
			(3)	None	(3)	None			
			(4)	Unbound except as indicated in the horizontal section	(4)	None			

SECTOR OR SUB-SECTOR		LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
1Fn	633	Maintenance and repair of equipment	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
1Fo	874	Building-cleaning services	(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section
1Fp	875	Photographic services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
1Fs	87909	Convention services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
<u>2. COMMUNICATION SERVICES</u>			
2B	7512	Courier services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
<u>C. Telecommunication Services</u>		
2Ch	7523 Electronic mail	(1)
2Ci	7523 Voice mail	(2)
2Cj	7523 On-line information and data base retrieval	(3)
2Ck	7523 Electronic data interchange (EDI)	None
2Cl	7523 Enhanced/value-added facsimile services, including store and forward, store and retrieve	None
2Cm	Code and protocol conversion	None
2Cn	843 On-line information and/or data processing (including transaction processing)	None
	<p>(1) to (3) General limitations: There are limitations on the bypass of South African facilities for routing of domestic and international traffic. Telkom is currently acting as a de facto regulator by means of agreements entered into with VANS providers in South Africa.</p> <p>VANS providers can only provide international services with the consent of Telkom SA Ltd.</p> <p>Legislation is currently being proposed to introduce a Regulator who might take over the licensing function.</p> <p>No formal policy exists and applications from international VANS are dealt with on an informal ad hoc basis. This situation may be addressed with the anticipated introduction of a new regulatory regime.</p>	None
	(4) Unbound except as indicated in the horizontal section	(4)

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES		
3A 512	General construction work for buildings	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section
3B 513	General construction work for civil engineering	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section
3C 514 + 516	Installation and assembly work	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section
3D 517	Building completion and finishing work	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section

SECTOR OR SUB-SECTOR		LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
4. <u>DISTRIBUTION SERVICES</u>			
4B	622	Wholesale trade service	
		(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None
4C	631	Retailing services	
	632	(1) None	(1) None
	6111	(2) None	(2) None
	6113	(3) None	(3) None
	6121	(4) Unbound except as indicated in the horizontal section	(4) None
4D	8929	Franchising	
		(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None
6. <u>ENVIRONMENTAL SERVICES</u> (All entries in this sector are restricted to consultancy services only)			
6A	9401	Sewage services	
		(1) None	(1) None
		(2) None	(2) None
		(3) None	(3) None
		(4) Unbound except as indicated in the horizontal section	(4) None

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
6B 9402	Refuse disposal services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
6C 9403	Sanitation and similar services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
6D	Other (cleaning services of exhaust gases, noise abatement services and landscape protection services)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
7. FINANCIAL SERVICES		
A. All insurance and insurance related services		
7Aa	8121+ Direct life insurance	(1) Unbound
7Ab	8129+ Direct non-life insurance	(2) None
7Ac	81299+ Re-insurance	(3) None
To transact business in South Africa, insurers (foreign and domestically controlled) must be incorporated as a public company in terms of the Companies Act.		

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
7Ba	<p>81115 Acceptance of deposits and other repayable funds from the public</p> <p>to 81119</p>	<p>The acquisition of shares or any other interest (by a resident or non-resident) in a registered insurer resulting in the holding of 25 per cent or more of the value of all the shares or other interest in that business, requires the written approval of the Registrar of Insurance.</p> <p>(4) Unbound except as indicated in the horizontal section, and that the chairman, public officer and majority of directors must be resident in South Africa.</p> <p>(4) None</p>
7Bb	<p>8113 Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transactions</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) Corporate membership of financial exchanges is unrestricted, except in the case of the Johannesburg Stock Exchange.</p> <p>No bank or controlling company (domestically or foreign controlled) may allot or issue any of its shares to a person to the extent</p>

B. Banking and other Financial Services (excluding insurance)

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
7Bc	8112 Financial leasing	that the total nominal value of such shares exceeds in total 49 per cent of the total nominal value of all the issued vote-bearing shares in the bank or the controlling company. The Minister of Finance may, however, grant permission to a bank or controlling company to issue more than 49 per cent of its shares to such a person. This restriction does not apply to the allotment or issuing of shares in a bank or a controlling company registered in respect of that bank, or another bank to an institution which has been approved by the Registrar and which conducts business of a bank in a country other than South Africa.
7Bd	81339+ All payments and money transmission services, including credit, charge and debit cards, travellers cheques and bank drafts	Foreign banks wishing to obtain a controlling interest in a local bank are required to establish a domestic public company.
7Be	81199+ Guarantees and commitments	No person (domestic or foreign) shall conduct the business of a bank unless such person is a
7Bf	81339+ Trading for own account or for account of customers the following: (i) money market instruments (ii) foreign exchange (iii) derivative products (iv) exchange rate and interest rate instruments (v) other negotiable instruments, but <u>excluding</u> transferable securities.	

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
7Bh	81339+ Money broking	<p>(4) public company, and is registered in terms of the Banks Act.</p> <p>(4) Unbound except as indicated in the horizontal section, and that membership of the financial exchanges is, in the case of natural persons, restricted to South African citizens.</p> <p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p> <p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) None</p>
9. TOURISM AND TRAVEL RELATED SERVICES		
9A	641 Hotels and restaurants (including catering)	<p>(1) Unbound except for catering: None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>
9B	7471 Travel agencies and tour operators services	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
9C 7472	Tourist guides services	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section
11. <u>TRANSPORT SERVICES</u>		
A. <u>Maritime Transport Services</u>		
11Aa 7211	Passenger transportation	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section
11Ab 7212	Freight transportation (excluding cabotage)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section

Additional Commitments:

The following facilities at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:

1. Pilotage
2. Towing and tug assistance

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
	<ul style="list-style-type: none"> 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain's services 6. Navigation aids 7. Shore-based operational services essential to ship operations 8. Emergency repair facilities 9. Anchorage, berth and berthing services. 	
F. <u>Road Transport Services</u>		
11Fa 7121 7122	Passenger transportation	<ul style="list-style-type: none"> (1) Unbound (2) Unbound (3) None (4) Unbound except as indicated in horizontal section
11Fb 7123	Freight transportation	<ul style="list-style-type: none"> (1) Unbound (2) Unbound (3) None (4) Unbound except as indicated in the horizontal section
11Fd 6112	Maintenance and repair of road transport equipment	<ul style="list-style-type: none"> (1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
12. OTHER SERVICES NOT INCLUDED ELSEWHERE		
9701	Washing, cleaning and dyeing services	(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section
9702	Hairdressing and other services	(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section

Key:

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

Coding: Numbers indicated in each sectoral commitment are references to the Services Sectoral Classification List (MTN.GNS/W/120) - W 120, and the UN Provisional Central Product Classification of 1991 - CPC.

+ Part of item
 * Unbound due to lack of technical feasibility