

**GENERAL AGREEMENT  
ON TRADE IN SERVICES**

GATS/SC/47  
15 April 1994  
(94-1045)

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**KENYA**

**Schedule of Specific Commitments**

(This is authentic in English only)

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**KENYA - SCHEDULE OF SPECIFIC COMMITMENTS**

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p><b>I. HORIZONTAL COMMITMENTS</b></p> <p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) Commercial presence requires that foreign service providers incorporate or establish the business locally</p> <p>4) Unbound except for measures concerning the entry and temporary stay of natural persons employed in management and expert jobs for the implementation of foreign investment.</p> <p>The employment of foreign natural persons for the implementation of foreign investment shall be agreed upon by the contracting parties and approved by Government</p>		

KENYA (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access		Limitations on national treatment		Additional commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>					
2. COMMUNICATION SERVICES					
C. <u>Telecommunication Services</u>					
Vending of telecommunications terminal equipment <sup>1</sup>	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound		
Installation and maintenance of telecommunications terminal equipment <sup>1</sup>	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound		

\* Unbound due to lack of technical feasibility.

1 Information provided for the purposes of transparency: Subject to type approval and licensing procedures.

**KENYA (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	1)	2)	3)	4)	Additional commitments
	Limitations on market access				Limitations on national treatment
a) Voice telephone services: Limited to international home country direct services	1)	Restricted to service suppliers operating direct voice communication routes		1) None	
	2)	Unbound		2) Unbound	
	3)	Unbound		3) Unbound	
	4)	Unbound except as indicated in the horizontal section		4) Unbound	
D. <u>Audiovisual Services</u>					
	a)				
	1)	None		1) None	
	2)	None		2) None	
b) Motion picture projection services	3)	Unbound		3) Unbound	
	4)	Unbound except as indicated in the horizontal section		4) Unbound	
	1)	Unbound*		1) Unbound*	
	2)	None		2) None	
	3)	None		3) None	
	4)	Unbound except as indicated in the horizontal section		4) Unbound	

**KENYA (continued)**

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>7. <b>FINANCIAL SERVICES</b></p> <p>A. <u>Insurance and Insurance Related Services</u></p> <p>a) &amp; Insurance (life and non-life)</p> <p>b) life)</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Restricted to suppliers with commercial presence in Kenya. At least one-third of the controlling interest whether in terms of shares, paid-up share capital or voting rights must be held by citizens of Kenya. In the case of a body corporate which does not have shares, at least one-third of the board must be citizens of Kenya.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

**KENYA (continued)**

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
c) <u>Reinsurance and Retrocession</u> (all classes)	1) Unbound 2) Unbound 3) Restricted to suppliers with commercial presence in Kenya. At least one-third of the controlling interest whether in terms of shares, paid-up share capital or voting rights must be held by citizens of Kenya. In the case of a body corporate which does not have shares, at least one-third of the board of directors or managing board must be citizens of Kenya.	1) Unbound 2) None 3) None 4) Unbound	

**KENYA (continued)**

Modes of supply:	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
<b>Sector or subsector</b>	<b>Limitations on market access</b>		<b>Limitations on national treatment</b>	<b>Additional commitments</b>
d) Services auxiliary to insurance				
- Broking services	1) Unbound		1) Unbound	
	2) Prior approval of the commissioner of Insurance is required to place Kenya business with an insurer not registered under the Insurance Act and for remittance of premiums, claims and other sums of money arising out of insurance.		2) None	
	3) Restricted to suppliers with commercial presence in Kenya. At least sixty (60) per cent of their paid-up capital must be owned by citizens of Kenya.		3) None	
	4) Unbound except as indicated in the horizontal section		4) Unbound	
- Agency services	1) Unbound		1) Unbound	
	2) Unbound		2) None	
	3) Unbound		3) Unbound	
	4) Unbound except as indicated in the horizontal section		4) Unbound	

**KENYA (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on market access		Limitations on national treatment	Additional commitments
B. Banking and other Financial Services	a) Acceptance of deposits and other repayable funds from the public	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section		1) Unbound 2) None 3) None 4) Unbound	
	b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section		1) Unbound 2) None 3) None 4) Unbound	



**KENYA (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments		
9. TOURISM AND TRAVEL-RELATED SERVICES					
A. <u>Hotels and restaurants (including catering)</u>	<ul style="list-style-type: none"> <li>1) Unbound*</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in the horizontal section</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound*</li> <li>2) None</li> <li>3) None</li> <li>4) None, for those categories of persons referred to in the market access column of the horizontal section</li> </ul>			
B. <u>Travel agencies and tour operators services</u>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in the horizontal section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None, for those categories of persons referred to in the market access column of the horizontal section</li> </ul>			

**KENYA (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments		
C. <u>Tourist guide services</u>	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) None, for those categories of persons referred to in the market access column of the horizontal section			
II. TRANSPORT SERVICES					
C. <u>Air Transport Services</u>					
a) Aircraft repair and maintenance services <sup>1</sup>	1) Unbound* 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) Unbound 4) Unbound			

<sup>1</sup> As defined in paragraph 6 of the Annex on Air Transport Services.

**KENYA (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
Sector or subsector		Limitations on market access		Limitations on national treatment		Additional commitments
b) Selling and marketing of air transport services <sup>1</sup>	1) None	1) None	1) None	1) None		
	2) None	2) None	2) None	2) None		
	3) Unbound, except for advertising activities and the setting up of regional sales offices	3) Unbound, except for advertising activities and the setting up of regional sales offices	3) Unbound, except for the activities referred to in the market access column	3) Unbound, except for the activities referred to in the market access column		
	4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	4) Unbound	4) Unbound		
c) Computer reservation system (CRS) services <sup>1</sup>	1) None	1) None	1) None	1) None		
	2) None	2) None	2) None	2) None		
	3) Unbound	3) Unbound	3) Unbound	3) Unbound		
	4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	4) Unbound	4) Unbound		

1 As defined in paragraph 6 of the Annex on Air Transport Services.

**KENYA (continued)**

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
F. <u>Road Transport Services</u>			
a) Passenger transportation	1) None 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) None, for those categories of persons referred to in the market access column of the horizontal section	
b) Freight transportation	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
c) Rental of commercial vehicles with operator	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	

**KENYA (continued)**

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>d) Maintenance and repair of road transport equipment</p>	<p>1) Unbound* 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound* 2) None 3) Unbound 4) Unbound</p>	
<p>e) Supporting services for road transport services</p>	<p>1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) Unbound 4) Unbound</p>	

**KENYA (continued)**

Modes of supply:	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on market access	Limitations on national treatment	Additional commitments
<p>12. OTHER SERVICES NOT INCLUDED ELSEWHERE</p> <p>Meteorological data information</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) None, with respect to the categories of persons referred to in the market access column of the horizontal section</p>		