

GENERAL AGREEMENT

GATS/SC/92

15 April 1994

ON TRADE IN SERVICES

(94-1090)

VENEZUELA

Schedule of Specific Commitments

(This is authentic in Spanish only)

VENEZUELA - 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
I. HORIZONTAL COMMITMENTS				
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>Unbound, except for measures affecting the entry and temporary stay of natural persons in the following categories:</p> <p>Sellers of services. Natural persons who represent one or more suppliers of services of a party and engage in the promotion and sale of those services in Venezuela, at the wholesale level. This category is not included in the case of the financial services sector</p> <p>Administrative staff, managers and executives. Persons who intervene in the decision making and policy formulation of the enterprise, represent it and/or may replace its owner in all or part of his functions</p> <p>Specialists. Persons who have specialized knowledge in a specific area, and are considered essential for delivery of a service</p>			

VENEZUELA (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>The following requirements and limitations apply to the above-mentioned categories:</p> <p>a) Stay of one year, renewable, entitling the holder to multiple entries during that period</p> <p>b) Citizens of a party will be subject to the restrictions laid down in the current labour law with whatever amendments may be made in future. At present they are as follows:</p> <ul style="list-style-type: none"> - chiefs of industrial relations, chiefs of personnel, captains of ships or aircraft, supervisors or any person exercising similar functions must be Venezuelan nationals - 90% of the personnel of an enterprise, whether employees or manual workers, must be Venezuelan nationals - the total remuneration paid to foreigners, including both manual workers and employees, may not exceed 20% of the total remuneration paid to personnel in either category <p>The Ministry of Labour may authorize temporary exceptions to the above provision after having examined a particular case:</p>	<p>Unbound, except for measures affecting the categories of natural persons indicated in the column on market access</p>	

VENEZUELA (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>a) In the case of activities that require special technical know-how and if there are no Venezuelan personnel available</p> <p>b) In the case of immigrants entering the country under contract to the Government</p> <p>c) In the case of small and medium sized enterprises</p> <p>- When foreign personnel are recruited, preference will be given to persons having children born on Venezuelan territory, or married to Venezuelans, or who have established their domicile in Venezuela or who have the longest period of residence in the country</p>		
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional services</u>	1) Unbound 2) None	1) Unbound 2) None	

VENEZUELA (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on national treatment			
a) Legal advisory services (CPC 861)	3) Unbound	3) Unbound	3) Unbound	3) Unbound	
b) Accounting and auditing services (CPC 8621)	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
d) Architectural services (CPC 8671)					
e) Engineering and integrated engineering services (CPC 8672-8673)					
f) Urban planning and landscape architectural services (CPC 8674)					
B. <u>Computer and related services</u> (CPC Division 84)	1) None, only legal representation required	1) None, only legal representation required	1) None, only legal representation required	1) None, only legal representation required	
	2) None	2) None	2) None	2) None	
	3) None	3) None	3) None	3) None	
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	

VENEZUELA (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>Other business services</u>		1) None, only legal representation required		1) None, only legal representation required	
a) Advertising services, planning, sale and placement of advertising for display in various media (CPC 87120)		2) None		2) None	
		3) None		3) None	
		4) Unbound, except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section	
b) Market research and public opinion polling services (CPC 864)		1) None, only legal representation required		1) None	
		2) None		2) None	
		3) None		3) None	
		4) Unbound, except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section	
c) Economic and management consulting services (CPC 865)		1) Unbound		1) Unbound	
		2) None		2) None	
		3) Unbound		3) Unbound	
		4) Unbound, except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section	

VENEZUELA (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	
h) Services incidental to mining (CPC 8675-883-5115)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section		
(t) Translation and interpretation services (CPC 87905)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section		

VENEZUELA (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	
2. COMMUNICATION SERVICES				
B. <u>Courier services</u>	1) Unbound	1) Unbound		
Private courier services (CPC 751)	2) None	2) None		
	3) None	3) None		
	4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section		
C. <u>Telecommunication services</u>	The State has the exclusive power to establish and operate communication systems, and may grant licences or concessions to natural or legal persons domiciled in the country. The criteria for granting licences or concessions are of an administrative and technical nature			
o) Other	1) Unbound	1) Unbound		
Cellular mobile telephone services (CPC 75213)	2) None	2) None		
	3) None	3) None		
	4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section		

VENEZUELA (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
Radio based services (PCN, telepoint) (CPC 75299) Satellite services and systems (CPC 75299)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section		
3. CONSTRUCTION AND ENGINEERING SERVICES					
Construction and engineering services include: architecture, town planning and landscaping; civil engineering; structures, foundations, roads; water supply and hydraulic engineering; maritime installations; soil mechanics, geotechnics, geophysics;	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section		

VENEZUELA (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>petroleum engineering; mining/mineralogical engineering; electrical engineering, telecommunications; instruments and control engineering; mechanical engineering; metallurgical engineering; chemical/process engineering; environmental engineering; industrial engineering;</p> <p>Agronomical/forestry engineering; systems/computer engineering; other fields of specialization falling within the above headings (CPC Section 5)</p>				

VENEZUELA (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	
Contracting of works and supply of services for the national petroleum and petro-chemical industry. Petroleum technology 3) (CPC Section 5) (CPC 85103-853)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section		
7. FINANCIAL SERVICES	1) Unbound 2) Unbound	1) Unbound 2) Unbound		
Insurance (CPC 812, excluding Pension Funds)				
a) Life insurance services (81211)				
b) Non-life insurance services (8129)	3) Insurance companies in the capital of which foreigners hold a share of more than 20 per cent cannot be authorized. Must take the form of public limited companies	3) None, without prejudice to the contents of the market access column		

VENEZUELA (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><u>Reinsurance</u></p>	<p>4) Unbound, except for managers, executives and specialists in accordance with the offer for the presence of natural persons. The President and at least three-quarters of the Vice-Presidents, Directors, Managers, Assistant Managers and technical or legal consultants of insurance companies must be Venezuelans domiciled in the country</p> <p>1) Unbound</p> <p>2) The law requires national insurance companies to cede on the domestic market at least 40 per cent of reinsurance premiums from their automatic contracts, and also to cede to national companies any reinsurance surplus that remains after they have exhausted their capacity for automatic reinsurance</p> <p>3) Foreign participation in the capital of reinsurance companies incorporated in Venezuela cannot exceed 20 per cent. Must take the form of public limited company</p>	<p>4) None, without prejudice to the contents of the market access column</p> <p>1) Unbound</p> <p>2) None, without prejudice to the content of the market access column</p> <p>3) None, without prejudice to the content of the market access column</p>	

VENEZUELA (continued)

Modes of supply: 1) Sector or subsector	2) Cross-border supply	3) Consumption abroad	4) Commercial presence	5) Presence of natural persons
	Limitations on market access	Limitations on national treatment		Additional commitments
	<p>The law requires national insurance companies to cede on the domestic market at least 40 per cent of reinsurance premiums from their automatic contracts, and also to cede to national companies any reinsurance surplus that remains after they have exhausted their capacity for automatic reinsurance</p> <p>4) Unbound, except for managers, executives and specialists, in accordance with the offer for the presence of natural persons. The President and at least three-quarters of the Vice-Presidents, Directors, Managers, Assistant Managers and technical or legal consultants of reinsurance companies must be Venezuelans domiciled and residing in the country</p>	<p>4) None, without prejudice to the content of the market access column</p>		
<p><u>Insurance, Auxiliary services, excluding Pension Funds</u> (CPC 814)</p>	<p>1) Unbound</p>	<p>1) Unbound</p>		

VENEZUELA (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>Insurance and reinsurance brokerage (CPC 81401)</p>	<p>2) Insurance contracts concluded abroad are void in Venezuela even if concluded by national enterprises, unless the premium has actually been paid to an enterprise in Venezuela, in accordance with national rates, in the following cases:</p> <p>a) Insurance of persons, if at the time when the contract was signed the insured person was domiciled in Venezuela</p> <p>b) Insurance on goods located in the national territory</p> <p>c) Insurance on ships, aircraft and other vehicles registered in Venezuela</p> <p>The National Executive may determine other types of insurance which must be contracted in the country in order to be operative in Venezuela</p>	<p>2) None, without prejudice to the content of the market access column</p>		

VENEZUELA (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>1) <u>Banks and credit institutions</u> (CPC 81115-81116-8112-8113-81333-81339)</p>	<p>3) Companies of which foreigners hold more than 20 per cent of the capital cannot be authorized. Nor can the establishments in the country of agencies or subsidiaries of foreign insurance brokerage firms or representatives of agents or brokers of foreign insurance companies not domiciled or residing in the country. They must take the form of public limited companies or private limited-liability companies</p> <p>4) Unbound, except for managers, executives and specialists, in accordance with the offer for natural persons. The President and at least three-quarters of the Vice-Presidents, Directors, Managers, Assistant Managers, and technical and legal consultants of insurance and reinsurance brokerage companies authorized in the country must be Venezuelans domiciled and residing in the country</p> <p>1) Unbound</p>	<p>3) None, without prejudice to the content of the market access column</p> <p>4) None, without prejudice to the content of the market access column</p> <p>1) Unbound</p>	

VENEZUELA (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		
a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81116)	2) Unbound	2) Unbound			
b) Lending of all types, including <i>inter alia</i> consumer credit, mortgage credit, factoring and financing of commercial transactions (CPC 8113 excluding 81139)	3) New banking institutions cannot be authorized unless they are 100 per cent Venezuelan-owned.* Representative offices of foreign banks may be authorized but they may not tap funds in Venezuela. They may only act as intermediaries for lending	3) None, without prejudice to the content of the market access column			
c) Financial leasing with option to purchase (CPC 8112)	Branches of foreign banks other than those of Latin American countries are subject to operating restrictions and cannot: accept saving deposits of residents, accept deposits of public entities, issue negotiable certificates of deposit, increase their capital				

* The foreign participation still retained by national financial institutions (not more than 20 per cent of the capital) may be ceded to other foreign investors, but if it is reduced it cannot subsequently be raised again.

VENEZUELA (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	
d) Payment and money transmission services (CPC 81339)		or offices, issue bonds of any kind, issue capitalization securities and sell foreign exchange acquired from the Central Bank of Venezuela. They cannot have callable liabilities in excess of fourteen times their net worth			
e) Guarantees (CPC 81339)		4) Unbound, except for managers, executives and specialists, in accordance with the offer for the presence of natural persons. The Presidents and three-quarters of the Vice-Presidents, Directors, Managers, Secretaries and other executives of banks and credit institutions must be Venezuelans residing in the country**	4) None, without prejudice to the content of the market access column		
f) Foreign exchange operations (CPC 81333)					
g) New operations and services*					
Foreign exchange houses (CPC 81333)		1) Unbound		1) Unbound	

* In the case of new services or operations, these must be compatible with the nature of the bank in question, with the limitations established by the National Executive, after receiving the opinion of the Central Bank of Venezuela.

** This provision does not apply to branch offices of banks currently operating in Venezuela.

VENEZUELA (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>Buying and selling of foreign bank notes and travellers cheques from or to the public</p>	<p>2) Unbound 3) Only Venezuelan-owned enterprises may be authorized 4) Unbound, except for managers, executives and specialists, in accordance with the offer on the presence of natural persons</p>	<p>2) Unbound 3) None, without prejudice to the content of the market access column 4) None, without prejudice to the content of the market access column</p>	
<p><u>Capital markets</u> Mutual funds (CPC 81191)</p>	<p>1) Unbound 2) None 3) Must take the form of public limited companies. Must invest their funds exclusively in lawful securities 4) Unbound, except for managers, executives and specialists, in accordance with the offer on the presence of natural persons</p>	<p>1) Unbound 2) None 3) None, without prejudice to the content of the market access column 4) None, without prejudice to the content of the market access column</p>	

VENEZUELA (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	1)	Limitations on market access	2)	Limitations on national treatment	Additional commitments
Mutual fund management companies (CPC 81319)	<ol style="list-style-type: none"> 1) Unbound 2) Unbound 3) Must take the form of public limited companies. Mutual fund management companies may not simultaneously provide services to more than one mutual fund when the investment goals and sales plans are of the same type, in the opinion of the National Securities Commission. If they are administered by other companies, mutual funds established in Venezuela must be managed by a management company likewise constituted in Venezuela for that purpose 	<ol style="list-style-type: none"> 1) Unbound 2) Unbound 3) None, without prejudice to the content of the market access column 	<ol style="list-style-type: none"> 1) Unbound 2) Unbound 3) None, without prejudice to the content of the market access column 	<ol style="list-style-type: none"> 1) Unbound 2) Unbound 3) None, without prejudice to the content of the market access column 	
Investment advisory services (CPC 81332)	<ol style="list-style-type: none"> 1) Unbound 2) None 4) Unbound, except for managers, executives and specialists, in accordance with the offer on the presence of natural persons 	<ol style="list-style-type: none"> 1) Unbound 2) None 4) None, without prejudice to the content of the market access column 	<ol style="list-style-type: none"> 1) Unbound 2) None 	<ol style="list-style-type: none"> 1) Unbound 2) None 	

VENEZUELA (continued)

Modes of supply: 1) Sector or subsector	2) Cross-border supply	3) Consumption abroad	4) Commercial presence	5) Presence of natural persons
	Limitations on market access	Limitations on market access	Limitations on national treatment	Additional commitments
<p>3) In the case of advisory services relating to investment in foreign securities or for acting as a contact with foreign brokers or representing them, such authorization depends on the country's economic and financial situation in the opinion of the Commission</p> <p>The National Securities Commission may revoke or cancel authorizations relating to advisory services for investment in foreign securities or for acting as a contact with brokers abroad or representing them when in its opinion the country's economic and financial conditions are unsuitable for such activities</p> <p>4) Unbound, except for managers, executives and specialists, in accordance with the offer on the presence of natural persons</p> <p>1) Unbound</p> <p>2) None</p> <p>Securities brokerage (CPC 81321, 81323)</p>	<p>3) None, without prejudice to the content of the market access column</p> <p>4) None, without prejudice to the content of the market access column</p> <p>1) Unbound</p> <p>2) None</p>			

VENEZUELA (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>3) Authorization of the public offering of foreign securities in Venezuela depends on whether this is in the national interest, with the prior assent of the National Executive</p> <p>4) Unbound, except for managers, executives and specialists, in accordance with the offer on the presence of natural persons. Administrators of a brokerage house must be resident in the country</p> <p>1) None*</p> <p>2) None*</p> <p>3) None*</p> <p>4) Unbound, except for managers, executives and specialists, in accordance with the offer on the presence of natural persons</p>	<p>3) None, without prejudice to the content of the market access column</p> <p>4) None, without prejudice to the content of the market access column</p> <p>1) None*</p> <p>2) None*</p> <p>3) None*</p> <p>4) None, without prejudice to the content of the market access column</p>			
<p><u>Banks and credit institutions, insurance and capital market</u></p> <p>Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (sub-paragraph (o) of the Annex on Financial Services)</p>					

* Without prejudice to the right of Venezuela to protect personal information, privacy and the confidential nature of personal records and accounts.

VENEZUELA (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>Hotel and resort operators, including restaurants</u> (CPC 641-642)	1) None 2) None 3) None 4) Preference given to graduates of Venezuelan tourism institutes. Unbound, except as indicated in the horizontal section		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
B. <u>Travel agencies, wholesale tourism services</u> (CPC 6471)	1) None 2) None 3) None 4) Preference given to graduates of Venezuelan tourism institutes. Unbound, except as indicated in the horizontal section		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

VENEZUELA (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on national treatment			Additional commitments
D. <u>Other</u>		1) None		1) None	
1) Holiday camps (CPC 6419)		2) None		2) None	
		3) None		3) None	
		4) Preference given to graduates of Venezuelan tourism institutes. Unbound, except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section. Only foreigners who have been resident in Venezuela for an uninterrupted period of more than five years may own and operate tourist camps	
2) Auxiliary tourism enterprises (CPC 83101-951-963-964-9701-9702)		1) None		1) None	
		2) None		2) None	
		3) None		3) None	
		4) Preference given to graduates of Venezuelan tourism institutes. Unbound, except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section	

VENEZUELA (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
11. TRANSPORT SERVICES	1) Unbound		1) Unbound		
A. <u>Maritime transport services</u>	2) None		2) None		
b) Freight transportation (CPC 7212)	3) None		3) None		
H. <u>Auxiliary transport services (maritime transport only)</u>	4) Unbound except as indicated in the horizontal section		4) Unbound except as indicated in the horizontal section		
a) Cargo handling services (CPC 741)	1) Unbound*		1) Unbound*		
b) Storage and warehouse services (CPC 742)	2) None		2) None		
	3) None		3) None		
	4) Unbound except as indicated in the horizontal section		4) Unbound except as indicated in the horizontal section		

* Unbound due to lack of technical feasibility.