

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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COMMUNICATION FROM TUNISIA

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

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

Tunisia presents below its conditional offer¹ concerning initial commitments on trade in services. This is a contribution to the negotiating process on the progressive liberalization of trade in services.

This offer is based on the draft final text of the General Agreement on Trade in Services. The services sectors and sub-sectors are presented following the classification contained in document MTN.GNS/W/120.

The present offer is subject to a satisfactory outcome of the current negotiations on trade in services. Consequently, Tunisia reserves the right to amend it or withdraw it in whole or in part at any time prior to the entry into force of the multilateral Agreement, in the light of the definitive text of the said Agreement and its sectoral annexes as well as the extent and nature of the offers of other parties. Tunisia further reserves the right to make technical amendments to its offer and to correct possible errors, omissions or inaccuracies therein.

All services and their modes of supply covered by the present offer are effected in compliance with the Constitution of Tunisia and international agreements, conventions and treaties to which the Government of Tunisia is a party.

1. Horizontal measures

The principal horizontal legislative and regulatory measures applying to all the sectors covered by this conditional offer are:

¹In French only

- Law 59-146 of 5 November 1959 on protection of the national labour force;
- Law 68-7 of 8 March 1968 on the status of foreigners in Tunisia;
- Decree 68-198 of 22 June 1968 which regulates the entry and residence of foreigners in Tunisia;
- The Labour Code (Law No. 66-27 of 30 April 1966 enacting the Labour Code);
- Law 89-100 of 17 November 1989 enacting the Code of Investment in Service Activities and Foreign Exchange Notice No. 16;
- Law 88-110 on international trading companies;
- Decree Law 61-14 of 30 August 1961 on the exercise of certain commercial activities;

as well as all the implementing texts issued by the Ministry of Finance and Central Bank circulars.

2. Sector-specific measures

The principal laws and regulations applying to the sectors covered by the present offer are:

(a) Banking and financial services

The Tunisian offer concerning banking and financial services relates to banking, securities management institutions and leasing institutions.

Bullion operations are subject to the joint authorization of the Central Bank of Tunisia (BCT) and the Ministry of Finance; the Central Bank has a monopoly in monetary gold.

- Law 67-51 of 7 December 1967 regulating the banking profession.
- Law 76-18 of 21 January 1976 revising foreign exchange legislation and its implementing decree No. 77-608 of 27 July 1977.
- Law 85-108 of 6 December 1985 to stimulate financial institutions working mainly with non-residents.
- Law 88-92 on investment companies.
- Law 89-49 of 8 March 1989 concerning the financial market.

(b) Insurance services

The Tunisian offer concerning insurance services covers life, accident and health insurance services, reinsurance and retrocession and broking and agency services.

- Law 92-24 of 9 March 1992 enacting the Insurance Code.

(c) Tourism

The Tunisian offer concerning tourism covers hotels, restaurants, tourist guides and travel agencies.

- Law 90-21 of 19 March 1990 enacting the Tourist Investment Code.

(d) Communications services

All services and their modes of supply concerned by the present offer are operated in accordance with current legislation and regulations.

This particularly involves the following texts:

- Law 77-58 of 3 August 1977 on the State monopoly in telecommunications.
- Decree of 11 June 1988 concerning the State monopoly in postal services.
- Law 88-1 of 15 January 1988 concerning individual or collective ground stations for the reception of programmes transmitted by satellite.
- Decrees 88-2000 of 12 February 1988 and 88-2001 of 12 February 1988 establishing the modalities for the issue of permits and conditions for the installation and operation of individual or collective ground stations for the reception of television signals by satellite.
- Decree 82-1363 of 21 October 1982 on the State monopoly on television transmission (chapter 6).
- Decree 90-1218 of 21 July 1990 establishing the modalities and conditions for the management of telecommunications terminals.
- Decree 88-928 of 19 May 1988 concerning the management of taxiphones.
- Decree 91-1837 of 2 December 1991 to approve the specifications establishing the technical and administrative conditions for the operation of a Public Telecommunications Centre (Publitel).

The above-mentioned list of legislation and regulations is by no means exhaustive. It is communicated only for the sake of transparency and should not be interpreted as meaning that the Tunisian Government undertakes any commitment in relation thereto unless otherwise specified in its offer list.

DEFINITIONS OF TERMS USED

- **Not bound:** Means that Tunisia has not entered into any commitments on the subject of market access or national treatment.
- **No limitation:** Means that Tunisia does not impose any limitations, conditions or restrictions with regard to market access and national treatment, other than the horizontal legislation described above.
- **Not applicable:** Means that a particular mode of supply is technically not feasible or appropriate for a sub-sector or given activity.

- Mode de livraison:**
- 1 - Commerce transfrontières
 - 2 - Mouvement des consommateurs
 - 3 - Présence commerciale
 - 4 - Mouvement du personnel

Secteur / Sous-secteur	Mode de livraison	Propositions sur l'accès aux marchés				Propositions sur le traitement national
		1	2	3	4	
Hôtels		Pas de limitation	Pas de limitation	Pas de limitation	Pas de limitation	Pas de limitation
	1					
	2					
	3					
	4					
Restaurants		Pas de limitation	Pas de limitation	Pas de limitation	Pas de limitation	Pas de limitation
	1					
	2					
	3					
	4					
Guides de tourisme		Non consolidé	Pas de limitation	Pas de limitation	Autorisé seulement pour les représentants des tours opérateurs commercialisant la Tunisie	Non consolidé
	1					
	2					
	3					
	4					
Agences de voyages		1	Non consolidé	Non consolidé	Non consolidé	Non consolidé
	2					
	3					
	4					

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mateurs

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Propositions sur l'accès aux marchés	Propositions sur le traitement national
as de limitation	Pas de limitation
as de limitation	Pas de limitation
as de limitation	Pas de limitation
as de limitation	Pas de limitation
as de limitation	Pas de limitation
as de limitation égie par la Loi n° 89/49	Les intermédiaires en bourses ne peuvent être que de nationalité ou de droit tunisien
as de limitation sous réserve de la réglementation	Aucune personne physique de nationalité étrangère ne peut s'adonner aux activités financières (Article 17 de la Loi n° 89/49)

Sous-Secteur Assurances: Code des assurances promulgué par la Loi n° 92-24 du 9 mars 1992

- Mode de fourniture:**
- 1 - Commerce transfrontières
 - 2 - Mouvement des consommateurs
 - 3 - Présence commerciale
 - 4 - Mouvement du personnel

Secteur ou sous-secteur	Mode de fourniture ou de livraison	Accès aux marchés	Traitement national
Secteur: 7 Services Finances			
Sous-secteur:			
A) Tous les services d'assurance et relatifs à l'assurance:			
a) Services d'assurance sur la vie, l'accident et la maladie	1	Non consolidé	Sans objet
b) Services d'assurance autres que la vie	2 3	Non consolidé - Société de droit tunisien	Sans objet
		- Agrément du Ministre des finances	Pas de limitation
		- et autres conditions requises pour se livrer à la souscription et à l'exécution de contrat d'assurance (Code des assurances promulgué par la Loi n° 92-24 du 9 mars 1992)	
	4	Non consolidé	Non consolidé

- Mode de fourniture:**
- 1 - Commerce transfrontières
 - 2 - Mouvement des consommateurs
 - 3 - Présence commerciale
 - 4 - Mouvement du personnel

Secteur ou sous-secteur	Mode de fourniture ou de livraison	Accès aux marchés	Traitements national
c) Service de réassurance et de rétrocession	1 Mode de fourniture ou de livraison Pas de limitation acceptation du Ministre des finances d'un agent spécial	Accès aux marchés Pas de limitation acceptation du Ministre des finances d'un agent spécial	Traitement national Pas de limitation
	2 Pas de limitation Pas de limitation mais agrément et acceptation du Ministre des finances d'un agent spécial	Pas de limitation Pas de limitation mais agrément et acceptation du Ministre des finances d'un agent spécial	Sans objet Pas de limitation
	3 Non consolidé	Non consolidé	Non consolidé
d) Services auxiliaires à l'assurance (y compris services de courtage et d'agence)	1 Courtage en réassurance: pas de limitation Courtage en assurance directe: non consolidé Agence: non consolidé	Courtage en réassurance: pas de limitation Courtage en assurance directe: non consolidé Agence: non consolidé	Sans objet Sans objet Sans objet
	2 Courtage en réassurance: pas de limitation Courtage en assurance directe: non consolidé Agence: non consolidé	Courtage en réassurance: pas de limitation Courtage en assurance directe: non consolidé Agence: non consolidé	Non consolidé Non consolidé Non consolidé
	3 Non consolidé	Non consolidé	Non consolidé
	4 Non consolidé	Non consolidé	Non consolidé

- Modes de livraison:
- 1 - Commerce transfrontières
 - 2 - Mouvement des consommateurs
 - 3 - Présence commerciale
 - 4 - Mouvement du personnel

Sous-secteur	Mode de livraison	Propositions sur l'accès aux marchés	Propositions sur le traitement national
* Télécommunications:			
- Télécopie (Fax)	1	Consolidé	Consolidé
- Taxiphone	2	Consolidé	Consolidé
- Antenne parabolique	3	Autorisation préalable du Ministère	Autorisation préalable du Ministère
- Terminaux de télécom (appareils-câbles, pièces de rechange)	4	Conformément à la législation en vigueur	Conformément à la législation en vigueur
* Postes:			
- Acheminement des journaux et imprimés indépendamment de leur poids	1	Consolidé	Consolidé
	2	Consolidé	Consolidé
	3	Autorisation préalable du Ministère	Autorisation préalable du Ministère
	4	Conformément à la législation en vigueur	Conformément à la législation en vigueur
* Le raccordement au réseau national des télécommunications relève du ressort exclusif du Ministère des communications.			
* Les actions concédées au terme de la présente liste au sous-secteur télécommunications concernent les aspects fabrication et commercialisation.			
L'aspect législation et réglementation fait l'objet des mesures horizontales citées plus haut.			