

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Group of Negotiations on Services

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COMMUNICATION FROM TRINIDAD AND TOBAGO

**Conditional Offer by Trinidad and Tobago concerning
Initial Commitments on Trade in Services under the
Uruguay Round of Trade Negotiations**

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

Trinidad and Tobago presents below its preliminary offer concerning initial commitments on trade in services.

1. This offer is conditional upon a satisfactory conclusion being reached in the negotiations aimed at establishing a General Agreement on Trade in Services and the achievement of balanced global results in the Uruguay Round negotiations.
2. For Trinidad and Tobago, a satisfactory conclusion in the negotiations on services means the adoption of an Agreement on Trade in Services and Sectoral Annexes, promoting in a balanced manner the interests of all participants on a mutually advantageous basis, which necessarily includes provisions granting special treatment for developing countries and which provides adequate opportunity for export of services from Trinidad and Tobago.
3. It is also conditional on the inclusion, in the offers of Trinidad and Tobago's trading partners, of services and modes of delivery that are of export interest to Trinidad and Tobago, particularly as regards labour mobility.
4. The Trinidad and Tobago Government reserves the right to make technical changes in the offers and correction of possible errors, omissions or inaccuracies.
5. The Trinidad and Tobago Government reserves the right to include any domestic legislation that may be enacted subsequent to the submission of this offer, but prior to the conclusion of the Round.
6. The list of legislation cited is by no means an exhaustive list of all legislation that governs each service sector.

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7. This offer applies solely to the services mentioned, and to the extent specified in each case.

8. In all offers concerning the third mode of delivery Trinidad and Tobago prefers joint venture arrangements.

9. The Trinidad and Tobago constitution establishes as a state monopoly, telecommunication services.

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

11. Trinidad and Tobago's detailed list of offers on services is attached.

Explanatory Notes

Modes of Supply

The supply of services, in all modes of delivery shall be in accordance with the relevant Trinidad and Tobago laws, regulations and measures at national level. Whenever applicable, supply of services is also governed by bilateral and multilateral agreements to which Trinidad and Tobago is a party. Furthermore, nothing in this offer is construed to affect any measure relating to trade in goods and intellectual property rights. For the purpose of this offer, the modes of supply, i.e. "cross-border supply", "consumption abroad", "presence of juridical persons" and "presence of natural persons" shall be defined as follows:

1. Cross-border supply refers to the supply of a service from the territory of another party into the territory of Trinidad and Tobago without movement of suppliers, their representatives or employees.

2. Consumption abroad refers to the supply of a service to a service consumer of Trinidad and Tobago outside the territory of Trinidad and Tobago.

3. Presence of juridical persons refers to the supply of a service by a service supplier of a party, through commercial presence, in the territory of Trinidad and Tobago.

4. Presence of natural persons refers to the supply of a service by a service supplier of a party, through the presence of natural persons of a Party, in the territory of Trinidad and Tobago. Trinidad and Tobago's commitments in this regard are subject to the terms and conditions laid down in "horizontal measures".

Explanation of Other Terms Used

No limitations means that Trinidad and Tobago does not impose limitations, conditions or qualifications with respect to market access or national treatment other than those mentioned under horizontal measures.

Not applicable means that the Trinidad and Tobago Government does not recognize a specific mode of delivery for the specific service.

Horizontal Limitations on Market Access and National Treatment

1. Cross-border supply

The services associated with international trade in goods follow the same rules as the trade in goods concerned. For specific reasons, certain goods may be subjected to restrictions or control measures. Such reasons may include, inter alia, temporary quantitative restrictions or customs surcharges, safeguard measures, protection of health and life of persons, plants and environment, national security etc.

2. Presence of juridical persons

Commercial presence requires that foreign service providers incorporate or establish the business locally in accordance with the relevant provisions of Trinidad and Tobago laws and when so required by regulatory authorities, acts, ordinances and regulations pertaining to land and building acquisition, lease and rental and any operating conditions that may be imposed.

Foreign investors are welcome to invest in all sectors offered provided that they shall not infringe the regulations in force meant to protect the environment, the country's security and defence interests, public order, health and morals.

With respect to direct investment, the Government of the Republic of Trinidad and Tobago welcomes such investment especially where they are made via joint venture arrangements between local and foreign investors.

Foreigners who invest in Trinidad and Tobago are subject to various acts, ordinances and regulations, some of which are as follows:

(a) The Foreign Investment Act

The Foreign Investment Act governs the terms and conditions under which a foreign investor may establish a company, acquire shares in any local public or private company or purchase land for residential and/or business purposes.

The Minister to whom responsibility for industry is assigned may from time to time, by order publish lists of types of economic activities in respect of which foreign investment will be promoted or restricted.

(b) Company Ordinance

A foreign investor wishing to invest in Trinidad and Tobago must register with the Registrar of Companies.

(c) Exchange Control Act

Under this Act the Central Bank of Trinidad and Tobago is the designated authority for the management of foreign exchange policy and foreign exchange transactions.

(d) Insurance Act

A foreign investor is required to apply to the Supervisor of Insurance for registration if he wishes to carry on an insurance business in Trinidad and Tobago.

(e) Withholding Tax under the Income Tax Act

Enterprises with foreign investment in Trinidad and Tobago are subject to withholding taxes.

4. Presence of Natural Persons

In Trinidad and Tobago the entry and residence of foreign natural persons are subject to Trinidad and Tobago's Immigration Laws. A country's immigration laws are outside the purview of the GATT.

The employment of foreign natural persons is subject to Work Permit Regulations and personnel shall be employed in management and expert jobs only.

Specialist teachers and lecturers at tertiary level are subject to the Education Act. This Act requires that a person who is eligible to be appointed or to continue to be a teacher provided that he is registered in the Register of Teachers.

Professionals in the medical field are subject to the Medical Board Act. This Act states that a medical practitioner must be registered in the Register of Medical Practitioners.

Attorneys at law are subject to the Legal Profession Act No. 21 of 1986 which requires that in order to be eligible to practise as an Attorney at Law in Trinidad and Tobago a person must be the holder of a Legal Education Certificate awarded by the Council of Legal Education.

Entertainers are subject to Withholding Tax under the Income Tax Act before the transfer of profits abroad.

TRINIDAD AND TOBAGO'S DETAILED LIST OF OFFERS ON SERVICES

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
TOURISM			
Hotel and Resort Development (construction)	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Subject to work permit and immigration regulations (only management level). 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations
Hotel Management	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Withholding Tax. In-bound passengers only. (4) No limitations
Tour Operators	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign and Investment Act, Companies Ordinance and Exchange Control Act. In-bound passengers only. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Withholding Tax. In-bound passengers only. (4) No limitations 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Withholding Tax. In-bound passengers only. (4) No limitations

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>PROFESSIONAL AND TECHNICAL SERVICES</u>			
Legal Services - Consultancy in International law	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Local registration required, subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to the Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to the Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations
Software Development	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Preferably joint venture arrangement, subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations
International Marketing			

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
R & D in Natural Sciences	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations 	
R & D in Social Sciences	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations 	
Information Processing e.g. Drafting and Engineering Services, Digitizing and Vectoring, Data Processing, Data Entry, Remote Tele-Marketing.		<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Preferred Location Export Free Zone subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations
Patent Agents			<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Subject to work permit and immigration regulations.

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>EDUCATION</u>			
Specialist Teachers	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to local registration, work permits and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) No limitations 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) No limitations
Lecturers at Tertiary Level	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to local registration, work permits and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) No limitations 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations
<u>INSURANCE</u>			
Reinsurance	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Insurance Act and Exchange Control Act. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Insurance Act and Exchange Control Act. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations
<u>RECREATIONAL, CULTURAL AND SPORTING SERVICES</u>			
Recreational and Sporting Services	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to Withholding Tax under the Income Tax Act.
Entertainment Services	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to Withholding Tax under the Income Tax Act. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to Withholding Tax under the Income Tax Act.

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>HEALTH RELATED SERVICES</u>			
Hospital Services	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to work permit and immigration regulations. Registration and certification. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to work permit and immigration regulations. Registration and certification. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) No limitations
Dental Services	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to work permit and immigration regulations. Registration and certification. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) No limitations 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) No limitations
Veterinarian Services	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) Subject to work permit and immigration regulations. Registration and certification. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) No limitations 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Not applicable (4) No limitations
<u>MARITIME TRANSPORT SERVICES</u>			
Ship Surveys	<ul style="list-style-type: none"> (1) Not applicable (2) Not applicable (3) Subject to Foreign Investment Act, Companies Ordinance and Exchange Control Act. (4) Registration and licensing requirements. Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) Not applicable (2) Not applicable (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations 	<ul style="list-style-type: none"> (1) Not applicable (2) Not applicable (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Dry Docking/Ship Repairs, Boat Building and Ship Management/Freight and Transportation	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Companies' Ordinance and Exchange Control Act. Preferably joint venture arrangement. (4) Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations 	
Navigational Aid and Communication/Meteorological Services (for Maritime Purposes)		<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act, Companies' Ordinance and Exchange Control Act. Joint venture arrangement. (4) Registration and licensing requirements. Subject to work permit and immigration regulations. 	<ul style="list-style-type: none"> (1) No limitations (2) No limitations (3) Subject to Foreign Investment Act and Withholding Tax under the Income Tax Act. (4) No limitations