

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Group of Negotiations on Services

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COMMUNICATION FROM MALTA

**Draft Schedule of Malta Concerning
Initial Commitments on Trade in Services**

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

I. **Introduction**

Malta hereby submits its Draft Schedule on initial commitments on trade in services.

The Draft Schedule is conditional on developments in the Uruguay Round of Trade Negotiations in general. Malta reserves the right to extend, amend or withdraw these offers, in whole or in part, depending on developments in the Uruguay Round of Trade Negotiations in general, and negotiations concerning initial commitments on trade in services in particular, and Malta's application to join the European Union.

In this respect, Malta wishes to inform that it has applied for Membership of the European Union and the Government therefore hopes to start negotiations regarding this application in the coming months. Acceptance by Malta of the policy of the European Union about tariffs and trade will form an integral and important part of these negotiations. Consequently, negotiations regarding the attached offer will need to be undertaken in the light of the overriding importance which the Government of Malta attaches to Malta's membership in the European Union which will entail the eventual acceptance by Malta of the commitments of the European Union with the results of the Uruguay Round of Trade Negotiations.

II. **Horizontal Measures**

These offers are subject to the limitations, conditions and qualifications which are applicable to all sectors indicated hereunder and which are included in the legislation of Malta covering ownership and transfer of property, residence of corporate and natural persons, foreign currency transactions, taxation, labour relations, health, safety, good order, licensing and other relevant legislation.

The delivery of services in Malta is subject to the provisions contained in the laws of Malta, in particular:

- (1) The Constitution of Malta
- (2) The Conditions of Employment Act
- (3) The National Insurance Act
- (4) The Immigration and Nationality Act
- (5) The Exchange Control Act

In relation to the provision of trade in services through Commercial Presence, the Commercial Partnership Ordinance stipulates that all foreign companies which open a place of business in Malta must register as an overseas company in terms of the Ordinance. Such registration is dependent on a permit being issued by the Central Bank of Malta. It is the current policy that such permits are issued only to companies with a minimum share capital of 10,000 Maltese Liri of which 50 per cent must be fully paid and which capital can be increased at the discretion of the Central Bank of Malta.

In relation to the Presence of Natural Persons, it is relevant to record that certain nationals require an entry visa. Such a visa may be extended at the discretion of the Principal Immigration Officer. Under the Immigration Act (Cap. 217), an employment licence is required to carry out any trade in services in Malta or to be employed by a local organisation or establishment. Such a licence covers also that person's residence in Malta (no separate permit for residence purposes is required). Licences are subject to renewal.

III. SECTORAL PART

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment
Travel Agency, Tour Operation Services and Hotel Operation Services	1. Unbound 2. None 3. None other than the limitations indicated in the horizontal measures 4. Unbound except as indicated in the horizontal measures	Unbound None None None
Maritime and Transport Services - Passenger and Freight (excluding internal)	1. No limitations 2. No limitations 3. No limitations except those indicated in the horizontal measures 4. Unbound except as indicated in the horizontal measures	None None None None None

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment
INSURANCE SERVICES	<p data-bbox="343 727 473 1459">1. No limitations in marine and aviation insurance. Limitations on the remaining classes of insurance shall be liberalised as follows:</p> <p data-bbox="517 727 751 1459"> Abrogation Date: 31 December 1993 Class/Risk: Professional Liability Marine - Ship repairers and shipbuilding risks Engineering (including Loss of Profits but not Engineering Advanced Loss of Profits). </p> <p data-bbox="769 727 864 1459"> Abrogation Date: 30 June 1994 Class/Risk: Motor </p> <p data-bbox="890 727 986 1459"> Abrogation Date: 31 December 1994 Class/Risk: Liability </p>	None

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment
INSURANCE SERVICES (cont'd)		
	Abrogation Date: Class/Risk:	30 June 1995 Accident
	Abrogation Date: Class/Risk:	31 December 1995 Fire and Allied Perils (including Loss of Profits, Business Interruption).
		Combined insurances (including Shopkeepers, Hoteliers, Householders)
		Life
		Other
2.	None	None
3.	Unbound	Unbound
4.	Unbound except as indicated in the horizontal measures	Unbound

Apart from the horizontal measures, the Insurance Business Act (Cap. 290) governing insurance business restricts both juridical and natural persons to obtain a licence to transact business of insurance. This licence is subject to other restrictions, limitations and conditions in terms of law.

KEY

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

Explanation of terms used

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| 1. | Unbound | This means that Malta does not offer to bind existing laws affecting the conditions of market access or national treatment. |
| 2. | None | This means that Malta does not impose any restrictions or limitations regarding market access or national treatment other than those mentioned under horizontal measures. |