

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Group of Negotiations on Services

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**COMMUNICATION FROM FRANCE IN RESPECT OF
NEW CALEDONIA**

**Schedule of France in Respect of New Caledonia Concerning
Initial Commitments on Trade in Services**

The following communication is circulated at the request of France in respect of New Caledonia to the members of the Group of Negotiations on Services.

France has the honour to set out below its schedule in respect of New Caledonia concerning initial commitments for the purpose of the negotiations being carried out within the framework of the future General Agreement on Trade in Services (GATS).

This schedule applies only to France in respect of New Caledonia. In accordance with Articles 72 and 74 of the French Constitution, this territory is one of the collectivités territoriales of the French Republic. Its status results from Law No. 88-1028 of 9 November 1988. It includes New Caledonia or Grande-Terre, the île des Pins, the Belep, Huon and Surprise archipelago, the Chesterfield islands and the Bellone reefs, the Loyalty islands (Maré, Lifou, Tiga and Ouvéa), Walpole island, Beautemps-Beaupré and Astrolabe islands, Matthew and Fearn or Hunter islands and the islets close to the coast. The territory is not part of France's European territory. In accordance with Law No. 88-1028 mentioned above, the State and the territory each have jurisdiction in specific matters, while the provinces (Province Nord, Province Sud, Province des îles) have competence in matters of ordinary law (droit commun).

France belongs to the European Economic Community, but the Treaty applies fully only to France's European territory and its overseas departments.

New Caledonia is deemed to be one of the "overseas countries and territories" of a member State of the Community within the meaning of Article 227.3 of the Treaty of Rome.

New Caledonia is one of the territories whose association with the Community was agreed by the member States of the Community in the 1957 Treaty of Rome. Relations between New Caledonia and the EEC are therefore governed by Part Four of the Treaty of Rome and by the decisions taken by the Council of Ministers of the European Economic Community in fulfilment of these provisions. This schedule does not in any way predetermine or affect relations between New Caledonia and the Community.

The schedule is conditional on the satisfactory conclusion of the Uruguay Round negotiations on initial commitments in the Services Sector. France therefore reserves the right to modify or withdraw the schedule in the absence of satisfactory results in this area.

Maintenance of the schedule by France will depend on the extent to which its negotiating partners show that they are ready to assume commitments comparable to those which France undertakes in respect of New Caledonia, taking into account their level of development. France will pay particular attention to commitments undertaken by New Caledonia's major trade partners in deciding whether to reduce, expand or withdraw the schedule.

The schedule has been prepared on the basis of the draft General Agreement on Trade in Services and the Note by the Secretariat of 30 July 1993 on drawing up schedules of commitments, as well as on the results of the informal consultations which subsequently took place in the Group of Negotiations on Services. France reserves the right to modify it in order to take into account any new clarification given during the discussions.

The nomenclature used is based on the classification contained in document MTN.GNS/W/120. Wherever possible, reference is made to the Provisional Central Product Classification (CPC).

SCHEDULE OF INITIAL COMMITMENTS OF FRANCE IN RESPECT OF NEW CALEDONIA

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS (ARTICLE XVI)	LIMITATIONS ON NATIONAL TREATMENT (ARTICLE XVII)
<u>ALL SECTORS*</u>	<p><u>(3) Direct foreign investment not exceeding 70 million francs:</u> (within the competence of the Province, in accordance with Law No. 88-1028):</p> <p>None other than:</p> <p><u>Province Sud:</u> subject to authorization by the competent authorities.</p> <p><u>Loyalty Islands Province:</u> subject to approval by the competent authorities.</p> <p><u>Direct foreign investment exceeding 70 million francs:</u> (Within the competence of the State in accordance with Law No. 88-1028): direct investment by non-residents (outside the EEC) or by companies under foreign control (outside the EEC) are subject to a prior declaration and where appropriate prior authorization by the Minister for the Economy. This provision mainly concerns the takeover of enterprises. The establishment of subsidiaries and new enterprises, as well as the extension of the activities of an existing enterprise, are exempt from prior declaration and authorization. The authorization is deemed to have been granted one month after receipt of the declaration of investment unless, during this period, the Minister has decided to adjourn the proceedings.</p>	<p>(1), (2), (3) Eligibility for aid by the EEC, the State, the territory or the provinces may be limited to companies with a legal status established in New Caledonia or in one of its geographical subdivisions.</p> <p>Granting of such aid is subject to discretionary decision by the competent authorities.</p> <p>Subsidies granted to the public sector are not contrary to the provisions of the framework agreement on services.</p> <p>(4) Unbound</p>

*The limitations shown under the heading "all sectors" apply to commitments undertaken by sector and listed below in the schedule.

- (1) Cross-border supply
- (2) Consumption abroad
- (3) Commercial presence
- (4) Movement of natural persons

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS (ARTICLE XVI)	LIMITATIONS ON NATIONAL TREATMENT (ARTICLE XVII)
<u>ALL SECTORS</u> (cont'd)	<p>The purchase or lease of certain lands, (tribal or clan lands ...) are subject to special conditions and discretionary authorization (Procés-Verbal de Palabre).</p> <p>Presence of natural persons required to set up companies is subject to the fulfilment of formalities on the entry and residence of foreigners.</p>	<p>Certain services deemed to be of public utility at the national or local levels may be the subject of monopolies or exclusive rights (concessions ...) granted to private operators.*</p> <p>(4) Unbound</p>

*Explanatory note:

In most cases, such services are covered by the provisions of Article XIII:1. Exclusive rights to such services are often granted by the public authorities by means of concessions to private operators who must then meet the special obligations of public service.

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS (ARTICLE XVI)	LIMITATIONS ON NATIONAL TREATMENT (ARTICLE XVII)
TURISME - 4 and 5 star hotels	<p>(1) Unbound*</p> <p>(2) No limitation</p> <p>(3) None other than: <u>Loyalty Islands Province:</u> unbound</p> <p>The commitment in this sector is limited to a period of 5 years.</p> <p>(4) Unbound</p>	
- Tourist-related nautical transport	<p>(1) Unbound*</p> <p>(2) No limitation</p> <p>(3) None other than: <u>Province Sud:</u> Approval by the provincial authorities is required. In addition, this activity is restricted to French-registered boats.</p> <p><u>Loyalty Islands Province:</u> Unbound</p> <p>(4) Unbound</p>	
RECREATIONAL, CULTURAL AND SPORTING SERVICES - Organization and promotion of sporting events (CPC 9641)	<p>(1) Unbound*</p> <p>(2) No limitation</p> <p>(3) No limitation</p> <p>(4) Unbound</p>	<p>(1) Consumption abroad</p> <p>(2) Commercial presence</p> <p>(3) Movement of natural persons</p>

*Such a commitment is not technically feasible.

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS (ARTICLE XVI)	LIMITATIONS ON NATIONAL TREATMENT (ARTICLE XVII)
<u>RECREATIONAL, CULTURAL AND SPORTING SERVICES</u> (cont'd)		
- Maintenance of botanical and zoological gardens (CPC 96311)	<p>(1) Unbound*</p> <p>(2) No limitation</p> <p>(3) None other than:</p> <p style="padding-left: 20px;">Loyalty Islands Province: Unbound</p> <p>(4) Unbound</p>	
<u>OTHER SERVICES</u>		
- Beauty treatment services (CPC 97029)	<p>(1) Unbound*</p> <p>(2) No limitation</p> <p>(3) No limitation</p> <p>(4) Unbound</p>	
- Pressing services (CPC 97014 and CPC 97013)	<p>(1) Unbound*</p> <p>(2) No limitation</p> <p>(3) No limitation</p> <p>(4) Unbound</p>	<p>(1) Cross-border supply</p> <p>(2) Consumption abroad</p> <p>(3) Commercial presence</p> <p>(4) Movement of natural persons</p>

*Such commitment is not technically feasible.

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS (ARTICLE XVI)	LIMITATIONS ON NATIONAL TREATMENT (ARTICLE XVII)
<u>OTHER SERVICES</u> (cont'd)		
- Hairdressing services (CPC 97021)	(1) Unbound* (2) No limitation (3) No limitation (4) Unbound	Loyalty Islands Province: authorization by the competent authorities (1) Unbound* (2) No limitation (3) None other than: (4) Unbound
<u>ENVIRONMENTAL SERVICES</u>	- Treatment of industrial and/or household waste (excluding collection)	(1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of natural persons

*Such a commitment is not technically feasible.