

# WORLD TRADE ORGANIZATION

RESTRICTED

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Council for Trade in Services  
Special Session

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## OMAN

### Initial offer

The following initial offer has been received from the delegation of Oman on 24 January 2006, with the request that it be circulated to Members of the Council for Trade in Services.

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In accordance with the mandate agreed to in paragraph 15 of the Doha Development Agenda and the Decision adopted by the General Council on 1 August 2004 in document (WT/L/579) including paragraph (1.e) and Annex C, submitted herewith is Oman's initial services offer.

This initial offer is not a legal text and is submitted solely for the purpose of negotiation in the context of the Doha Ministerial Declaration.

This offer cannot be construed as offering in any way the privatization of public undertakings or as preventing Oman from regulating public and private services in order to meet national policy objectives.

Oman reserves its right to modify, extend, reduce or withdraw, in whole or in part, this offer at any time prior to the conclusion of the current services negotiations. Oman further reserves the right to make technical amendments to this offer and make corrections to rectify any errors, omissions, or inaccuracies in this offer as well as to clarify and interpret the terms and conditions of this offer.

The individual sectors and sub-sectors are identified in accordance with the classification list in Document MTN.GNS/W/120 and corresponding CPC numbers wherever possible.

The editorial conventions used in the initial offer follows the guidelines established by the WTO Secretariat in JOB(02)/88, i.e.:

**BOLD** – New text

~~STRIKE OUT~~ Deleted text

*ITALICS* – Where any new or deleted text constitutes merely a technical refinement that does not alter the scope or substance of an existing commitment

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**OMAN – 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
All sectors and sub-Sectors included in this schedule	<p>The conditions of ownership, management, operation, juridical form and scope of activities as set out in a license or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier, will not be made more restrictive than they exist as of the date of Oman's accession to the WTO.</p> <p>3) Commercial presence in the form of a company incorporated in Oman, with foreign equity limited to:</p> <p>(i) 49%,  (ii) <del>Starting from the effective date of relevant legislation, but no later than 1 January 2001, 70%.</del></p> <p>Commercial presence allowed for representative offices, <del>as from 1 January 2001.</del></p> <p><del>Commercial presence for foreign service companies subject to minimum capital of RO 150,000 until 31 December 2000. No such requirement as from 1 January 2001.</del></p> <p>4) Unbound except for measures concerning entry and temporary stay of natural persons who fall into one of the following categories:</p>	<p>3) Purchase of land and real estate is not permitted to foreign companies and foreign individuals. However, service suppliers will have the right to 50 year renewable leases for land and buildings necessary to engage in service activities.</p> <p>Companies with foreign equity up to 70% will pay income taxes at the same rates as wholly owned Omani companies. However, companies with foreign equity exceeding 70% may be required to pay a higher rate of income tax as compared with wholly Omani owned companies.</p> <p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	

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>(i) <u>Business Visitors</u></p> <p>Persons not based in Oman, who visit Oman on behalf of a service supplier for business negotiations (and not for direct sale of services) or for doing preparatory work for establishing commercial presence in Oman. Entry for persons in this category shall be for a period of 90 days.</p> <p>Persons who are employees of an enterprise outside Oman, not having commercial presence in Oman, which has concluded a services contract with an enterprise engaged in substantive business in Oman and who provide a service in Oman as professionals on behalf of enterprise outside Oman. Entry and stay of persons in this category shall be for a period of 90 days.</p> <p>(ii) <u>Employees of juridical persons</u></p> <p>Limited to 20% of the total number of personnel of a service supplier. The entry of such natural persons shall be for a period of two years subject to renewal for two additional years with a maximum of four years.</p> <p><b><u>Definition of intracorporate transferees:</u></b>  <b>Managers, executives and specialists who are employees of firms that provide services within Oman through a branch, subsidiary or affiliate established in Oman and who have been in the prior employ of their firm outside Oman.</b></p>		

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>Managers:</u> Persons within an organization who primarily direct the organization or a department or sub division of the organization, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire or fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors unless the employees supervised are professionals nor does it include employees who primarily perform tasks necessary for the provision of the service.</p> <p><u>Executives:</u> Persons within an organization who primarily direct the management of the organization, establish the goals and policies of the organization, exercise wide latitude in decision making, and receive only general supervision or direction from higher-level executives, the board of directors or stockholders of the business. Executives would not directly perform tasks related to the actual provision of service or services of the organization.</p> <p><u>Specialists:</u> Persons within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research, equipment, techniques or management.</p>		

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
<b>SECTOR-SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES			
<p>A. <u>Professional Services</u></p> <p>a) Legal services Consulting work in home country law, third country law and international law only. Part of CPC 861</p> <p>b) Accounting, auditing and book-keeping services. CPC 8621 &amp; 8622</p> <p>c) Taxation services. CPC 8630</p> <p>d) Architectural services. CPC 8671</p> <p>e) Engineering services. CPC 8672</p> <p>f) Integrated engineering services. CPC 8673</p> <p>g) Urban planning &amp; landscape architectural services. CPC 8674</p> <p>h) Medical &amp; dental services. CPC 9312</p> <p>i) Veterinary services. CPC 93201</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	

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><b>B. <u>Computer and Related Services</u></b> CPC 841 - 845 &amp; 849</p> <p>a) Consultancy services related to the installation of computer hardware</p> <p>b) Software implementation services</p> <p>c) Data processing services</p> <p>d) Data base services</p> <p>e) Other</p>	<p>1) None</p> <p>2) None</p> <p>3) <del>None; starting no later than 1 January 2003.</del></p> <p>Commercial presence of wholly foreign-owned subsidiaries is permitted.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	
<p><b>C. <u>Research &amp; Development Services</u></b> CPC 851-853</p> <p>a) R&amp;D services on natural sciences</p> <p>b) R&amp;D services on social sciences and humanities.</p> <p>c) Interdisciplinary R&amp;D services</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	
<p><b>F. <u>Other Business Services</u></b></p> <p>a) Advertising CPC 871</p> <p>b) Market research CPC 86401</p> <p>c) Management consulting CPC 8650</p> <p>d) Services related to management consulting CPC 866</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	

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
e) Technical testing and analysis services CPC 8675 + 8676 f) Services incidental to agriculture, hunting and forestry. CPC 881 g) Services incidental to fishing. CPC 8820 h) Services incidental to mining, including oil field drilling CPC 88 + 5115 i) Services incidental to manufacturing. CPC 884+885 (except 88442) j) Services incidental to energy distribution CPC 887 m) Related scientific & technical consulting services CPC – 8675 n) Maintenance & repair of equipment (not including maritime vessels, aircrafts or other transport equipment) CPC 633 + 8861 – 8866			



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
o) Building cleaning CPC 874	1) None 2) None	1) None 2) None	
q) Packaging CPC 8760	3) Foreign equity limited to 51% 4) Unbound, except <i>indicated</i> as in the horizontal section	3) None 4) Unbound, except as <i>indicated</i> in the horizontal section	
s) Convention CPC 87909	1) None 2) None 3) None 4) Unbound, except as <i>indicated</i> in the horizontal section	1) None 2) None 3) None 4) Unbound, except as <i>indicated</i> in the horizontal section	
<b>2. COMMUNICATION SERVICES</b>			
B. <u>Courier Services</u> CPC 7512	1) None 2) None 3) <del>None; starting no later than 1 January 2003.</del> Commercial presence of wholly foreign-owned subsidiaries is permitted. 4) Unbound, except as <i>indicated</i> in the horizontal section	1) None 2) None 3) None 4) Unbound, except as <i>indicated</i> in the horizontal section	
<u>Telecommunication Services</u>			
Commitments are scheduled in accordance with-- "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1); and,-- "Market Access Limitations on Spectrum Availability" (S/GBT/W/3)			
a) Voice Telephone Services	1) <del>Starting no later than 1 January 2004.</del> None 2) None 3) <del>Until 31 December 2003, GTO will have exclusive right to provide services. Starting no later than 1 January 2004, none; starting no later than 1 January 2005.</del> Commercial presence in the form of wholly foreign-owned subsidiaries permitted. 4) Unbound, except as <i>indicated</i> in the horizontal section	1) None 2) None 3) None 4) Unbound, except as <i>indicated</i> in the horizontal section	Oman adopts the additional commitments listed in the Reference Paper attached.

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
b) Packet Switched Data Transmission Services c) Circuit Switched Data Transmission Services.	1) <del>Starting 1 January 2004.</del> None 2) None 3) <del>Until 31 December 2003, GTO will have exclusive right to provide services. Starting no later than 1 January 2004; none. Starting no later than 1 January 2005;</del> Commercial presence in the form of wholly foreign-owned subsidiaries permitted. 4) Unbound, except as <i>indicated</i> in the horizontal section.	1) None 2) None 3) None  4) Unbound, except as <i>indicated</i> in the horizontal section	
d) Telex Services e) Telegraph Services	1) <del>Starting no later than 1 January 2003,</del> None. 2) None 3) <del>Until 31 December 2002, GTO will have exclusive right to provide services. Starting no later than 1 January 2003 none; Starting no later than 1 January 2005;</del> Commercial presence in the form of wholly foreign-owned subsidiaries permitted. 4) Unbound, except as <i>indicated</i> in the horizontal section	1) None 2) None 3) None  4) Unbound, except as <i>indicated</i> in the horizontal section	
f) Facsimile Services (The provision of facsimile equipment has already been liberalized and <del>GTO</del> <b>OMANTEL</b> does not provide the equipment)	1) <del>Starting no later than 1 January 2004,</del> None 2) None 3) <del>Until 31 December 2003, GTO will have exclusive right to provide services. Starting no later than 1 January 2004, none; starting no later than 1 January 2005;</del> Commercial presence in the form of wholly foreign-owned subsidiaries permitted. 4) Unbound except as <i>indicated</i> in the horizontal section	1) None 2) None 3) None  4) Unbound, except as <i>indicated</i> in the horizontal section	

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>Mobile/Cellular Services</u></p> <p>Analogue/digital services PCS (Personal Comm. Services) Paging Services Mobile Data Services</p>	<p>1) <del>Starting no later than 1 January 2003</del>, None. 2) None 3) <del>Until 31 December 2002, GTO will have exclusive right to provide services. Starting no later than 1 January 2003, none; starting no later than 2005</del>, Commercial presence in the form of wholly foreign-owned subsidiaries permitted. 4) Unbound except as <i>indicated</i> in the horizontal section</p>	<p>1) None 2) None 3) None  4) Unbound, except as <i>indicated</i> in the horizontal section</p>	
<p>Payphone &amp; Calling Card Services</p>	<p>1) <del>Starting no later than 1 January 2001</del>, For payphones services, none; <del>starting no later than 1 January 2002</del>, for calling card operations, none. 2) None 3) <del>Until 31 December 2000, GTO will have exclusive right to provide payphone services. None as of 1 January 2001; starting no later than 1 January 2003</del>, Commercial presence in the form of wholly foreign-owned subsidiaries permitted. <del>Until 31 December 2001, GTO will have exclusive right to provide calling card operation services. For calling card operation services none as of 1 January 2002. Starting no later than 1 January 2003, commercial presence in the form of wholly foreign-owned subsidiaries permitted.</del> 4) Unbound, except as <i>indicated</i> in the horizontal section.</p>	<p>1) None 2) None 3) None  4) Unbound, except as <i>indicated</i> in the horizontal section</p>	

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
g) Private Leased circuit services Data Services Internet Services	1) <del>Starting no later than 1 January 2003</del> , None. 2) None 3) <del>Until 31 December 2002, GTO will have exclusive right to provide services. Starting no later than 1 January 2003, none; starting no later than 1 January 2005</del> , Commercial presence in the form of wholly foreign-owned subsidiaries permitted. 4) Unbound except as <i>indicated</i> in the horizontal section	1) None 2) None 3) None  4) Unbound, except as <i>indicated</i> in the horizontal section	
h) Electronic Mail	1) <del>Starting no later than 1 January 2001</del> , None.	1) None	
i) Voice Mail	2) None	2) None	
j) On-line information and data base retrieval	3) <del>Until 31 December 2000, GTO will have exclusive right to provide services. Starting no later than 1 January 2001, none.; starting no later than 1 January 2005</del> , Commercial presence in the form of wholly foreign-owned subsidiaries permitted.	3) None	
k) Electronic Data Interchange			
l) Enhanced/value added facsimile services (incl. Store and forward, store and retrieve).	4) Unbound, except as <i>indicated</i> in the horizontal section.	4) Unbound, except as <i>indicated</i> in the horizontal section	
m) Code and protocol conversion			
n) On-line information and/or data processing, including transaction processing			

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
<u>Audiovisual Services</u>			
a) Motion picture and videotape distribution services CPC 9611	1) None 2) None 3) Foreign equity limited to 49% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
b) Cinema ownership & operation CPC 9612	1) None 2) None 3) Foreign equity limited to 51% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
3. CONSTRUCTION & RELATED ENGINEERING SERVICES			
A. <u>General Construction work for buildings</u> CPC 512	1) None 2) None 3) None	1) None 2) None 3) None	
B. <u>General Construction work for Civil Engineering</u> CPC 513	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
C. <u>Installation and Assembly Work</u> CPC 514, 516			
D. <u>Building Completion and Finishing Work</u> CPC 517			
E. <u>Other</u> CPC 511, 515, 518			

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
4. DISTRIBUTION SERVICES			
A. <u>Commission agents services</u> CPC 621	1) None 2) None	1) None 2) None	
B. <u>Wholesale trade services</u> CPC 622	3) None 4) Unbound, except as indicated in the horizontal section	3) None 4) Unbound, except as indicated in the horizontal section	
C. <u>Retailing services</u> CPC 631+632, 6111, 6113, 6121			
D. <u>Franchising</u> CPC 8929			
5. EDUCATIONAL SERVICES			
A. <u>Secondary education services</u> CPC 922	1) None 2) None 3) None	1) None 2) None 3) None	
B. <u>Higher education services</u> CPC 923	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section.	
C. <u>Adult education</u> CPC 924			
D. <u>Other education services</u> CPC 929			

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>6. ENVIRONMENTAL SERVICES</p> <p>A. <u>Sewage services</u> CPC 94010</p> <p>B. <u>Refuse disposal services</u> CPC 94020</p> <p>C. <u>Sanitation &amp; similar services</u> CPC 94030 Cleaning services of exhaust gases CPC 94040 Noise abatement services CPC 94050 Nature and landscape protection services CPC 94060</p> <p>D. <u>Other</u> CPC 94090</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	

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
7. FINANCIAL SERVICES			
A. <u>Insurance &amp; insurance related services</u>			
Direct insurance (including co-insurance):	1) None 2) None	1) None 2) None	
(a) Life CPC 8121	3) <del>None, starting no later than 1 January 2003,</del> Commercial presence in the form of wholly foreign-owned subsidiaries and branches permitted.	3) None	
(b) Non-life CPC 8129			
(c) Reinsurance & retrocession; CPC 81299	4) Unbound, except as indicated in the horizontal section.	4) Unbound, except as indicated in the horizontal section.	
Insurance intermediation, such as brokerage and agency; CPC 8140	1) None 2) None 3) Foreign equity limited to 70%.	1) None 2) None 3) None	
Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services. CPC 8140	4) Unbound, except as indicated in the horizontal section.	4) Unbound, except as indicated in the horizontal section.	
B. <u>Banking and other financial services (excluding insurance)</u>			



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) Acceptance of deposits and other repayable funds from the public CPC 81115-81119</p> <p>(b) Lending of all types, including, consumer credit, mortgage credit, factoring and financing of commercial transaction; CPC 8113</p> <p>(c) Financial leasing; CPC 8112</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts; CPC 81339</p> <p>(e) Guarantees and commitments; CPC 81199</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p>	<p>1) None for financial information services and financial advisory services. Unbound for other services.</p> <p>2) None</p> <p>3) (i) None. Upon accession, commercial presence allowed for wholly owned branches of foreign banks. <del>Starting no later than 1 January 2003,</del> Commercial presence in the form of wholly foreign-owned subsidiaries and branches of foreign banks and other financial services suppliers permitted.</p> <p>(ii) The aggregate holding by (a) an individual and his relating parties (b) an incorporated body and its related parties (c) a Joint-Stock Company or a Holding Company &amp; its related parties, in a locally incorporated bank (other than wholly foreign-owned subsidiaries) shall not exceed 35% of the voting shares of the bank.</p> <p>(iv) Number of bank branches in Muscat limited to four for each bank (whether local or foreign).</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1) None for financial information services and financial advisory services; unbound for other services.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	

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
<ul style="list-style-type: none"> <li>- Money market instruments (including cheques, bills, certificates of deposits); CPC 81339</li> <li>- Foreign exchange; CPC 81333</li> <li>- Derivative products including, but not limited to, futures and options; CPC 81339</li> <li>- Exchange rate and interest rate instruments, including products such as swaps, CPC 81339</li> <li>- Forward rate agreements;</li> <li>- Transferable securities; CPC 8121</li> <li>- Other negotiable instruments and financial assets, including bullion. CPC 81339</li> </ul> <p>(g) Participation in issues of all kinds of securities, including under-writing and placement as agent (whether publicly or privately) and provision of services related to such issues; CPC 8132</p> <p>(h) Money broking; CPC 81339</p>			

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>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services; CPC 8119 + 81323</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments; CPC 81339 or 81319</p> <p>(k) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. CPC 8131 or 8133</p>			

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
(1) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; CPC 8131			
8. HEALTH AND RELATED SOCIAL SERVICES			
A. <u>Hospital services</u> CPC 9311	1) None 2) None 3) Only for hospitals of more than 50 beds 4) Unbound, except as indicated in the horizontal section.	1) None 2) None 3) None, except as indicated under limitations on market access. 4) Unbound, except as indicated in the horizontal section.	
9. TOURISM & RELATED SERVICES			
A. <u>Hotels and restaurants</u> CPC 64110, 64120, 642	1) None 2) None	1) None 2) None	
B. <u>Travel agencies and tour operators services</u> CPC 7471	3) Foreign equity for restaurants limited to 49%. None for others. 4) Unbound, except as indicated in the horizontal section	3) None 4) Unbound, except as indicated in the horizontal section.	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u>			
(a) Passenger transportation CPC 7211	1) None 2) None	1) None 2) None	<p>The following services at the port are made available to international maritime transport suppliers on non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1) Pilotage</li> <li>2) Towing and tug assistance</li> <li>3) Provisioning, fuelling and watering</li> <li>4) Garbage collecting and ballast waste disposal</li> <li>5) Port Captain's services</li> <li>6) Navigation aids</li> <li>7) Shore-based operational services essential to ship operations including communications, water and electrical supplies.</li> <li>8) Emergency repair facilities.</li> </ol>
(b) Freight transportation CPC 7212	3) None 4) Unbound, except as indicated in the horizontal section	3) None 4) Unbound, except as indicated in the horizontal section	
C. <u>Air Transport Services</u>			
(d) Maintenance and repair of aircraft CPC 8868 and as defined in para 6(a) of the annex of air transport services of the GATS	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	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
(i) The selling and marketing of air transport services (ii) Computer reservation system (CRS) services (As defined in sub- paras (b) and (c) of para 6 of the Annex on Air Transport Services).	1) None 2) None 3) Foreign equity limited to 51%. 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
<b>H. <u>Services Auxiliary to all Modes of Transport</u></b>			
(c) Freight transport agency services CPC 748	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	
(a) Cargo handling services CPC-741	1) None 2) None	1) None 2) None	
(b) Storage and warehouse services CPC-742	3) Foreign equity limited to 51%. 4) Unbound, except as indicated in the horizontal section	3) None 4) Unbound, except as indicated in the horizontal section	
(c) Other CPC <del>743-747</del> & 749			

## REFERENCE PAPER

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- b) cannot feasible be economically or technically substituted in order to provide a service.

A major suppliers is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- a) control over essential facilities; or
- b) use of its position in the market

### 1. Competitive safeguards

#### 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, along or together, are a major supplier from engaging in or continuing anti-competitive practices.

#### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- a) engaging in anti-competitive cross-subsidization;
- b) using information obtained from competitors with anti-competitive results; and
- c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

### 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to

communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

## 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

## 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

## 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

## 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- a) at any time or
- b) after a reasonable period of time which has been made publicly known.

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.



3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a license is required, the following will be made publicly available:

- a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license and
- b) the terms and conditions of individual licenses.

The reasons for the denial of a license will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, number and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

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