WORLD TRADE ORGANIZATION

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MAURITIUS

Draft consolidated Schedule of Specific Commitments[1]

Attached is a draft consolidated version of the Schedule of Specific Commitments of Mauritius in word format. This document does not substitute for the legally binding commitments undertaken by Mauritius in its Schedule of Specific Commitments (GATS/SC/55; GATS/SC/55/Suppl.1; GATS/SC/55/Suppl.2)

Attached to the draft consolidated schedule is the converted Article II (MFN) Exemption List of Mauritius (GATS/EL/55/Suppl.1)

The draft consolidated version of the schedule and the MFN Exemption List were prepared by the Secretariat, at the request of Members, to facilitate the process of negotiations, including the presentation of initial offers.

[1] This document has been prepared, in English only, under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. **HORIZONTAL COMMITMENTS**			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) To be governed by the provisions of: - Companies Act (1984) - Non-Citizens Property Restrictions Act (1975) - Non-Citizens Employment Restriction Act (1970) - Income Tax Act (1974) - Act No. 41 of Banking Act (1988) - Exchange Control Act 4) Unbound except for measures affecting the entry and temporary stay of highly qualified natural persons and will be governed inter alia by: Passport Act, 1969 Immigration Act, 1973	3) Same as specified in the market access column 4) Unbound except for measures concerning the categories of natural persons referred to in the market access column and will be governed inter alia by: - Income Tax Act - Non-Citizens Employment Restrictions Act, 1970	
2. COMMUNICATION SERVICES			
C. <u>Telecommunication Services</u>			
(a) Voice telephone services (b) Packet switched data transmission services (c) Circuit switched data transmission services	1) Alternative calling practices such as Call-Back and refile are not permitted. "Country Direct" calling card service is possible under the auspices of agreements concluded between operators.	1) None	The reference paper will be incorporated in the legislation to be adopted soon by the National Assembly.

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(d) Telex services (e) Telegraph services (g) Private leased circuit services	2) None 3) The provision of these services is at present reserved on a de-facto basis, to monopoly or exclusive supplier; resale is not permitted. A second cellular telephone operator is operational as from 5 September 1996 Monopoly and exclusive rights in domestic and international services will end by 2004. 4) Unbound except as listed under horizontal commitments.	2) None 3) The Companies Act 1994 requires foreign companies to have a registered office in Mauritius. 4) Unbound except as listed under horizontal commitments.	
(f) Facsimile services (o) Others (i) Paging (ii) Private Mobile Radio	1) None 2) None 3) None 4) Unbound except as listed under horizontal commitments.	1) None 2) None 3) The Companies Act 1994 requires foreign companies to have a registered office in Mauritius 4) Unbound except as listed under horizontal commitments.	
(iii) Equipment rental services (iv) Equipment sales services (v) Equipment maintenance services	1) None 2) None 3) None 4) Unbound except as listed under horizontal commitments.	1) None 2) None 3) The Companies Act 1994 requires foreign companies to have a registered office in Mauritius 4) Unbound except as listed under horizontal commitments	
(vi) Mobile services (satellite-based)	1) None 2) None 3) None 4) Unbound except as listed under horizontal commitments.	1) None 2) None 3) The Companies Act 1994 requires foreign companies to have a registered office in Mauritius 4) Unbound except as listed under horizontal commitments.	

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7. FINANCIAL SERVICES Head note: 1. The commitments on financial services are made in accordance with the General Agreement on Trade in Services (GATS) and the Annex on Financial Services. All the commitments in this Schedule are subject to domestic laws, guidelines, rules and regulations, terms and conditions of the relevant authorities in Mauritius, consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services. 2. The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 2(a) of the Financial Services Annex. 3. The commitments indicated below are subject to an economic needs test. 4. The limitations on market access and national treatment as indicated below will not apply with regard to insurance services out of Mauritius to foreign residents.			
A. All Insurance and Insurance Related Services			
(a) Direct Insurance Life and non-life	1) Unbound 2) None, except for insurance of assets and insurances which are compulsory in Mauritius including compulsory Third Party Insurance under the Road Traffic Act 1963. 3) None 4) Unbound, except as indicated in the horizontal commitments.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitments.	
(b) Re-insurance and retrocession	1),2),3) None except for compulsory reinsurance of at least 5% to be placed with African Reinsurance Corporation. 4) Unbound, except as indicated in the horizontal commitments.	1),2),3) None 4) Unbound, except as indicated in the horizontal commitments.	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Insurance Intermediation comprising Agents and Brokers	1) Insurance Intermediaries must act only for insurers registered in Mauritius and must be registered intermediaries with commercial presence in Mauritius. 2) None, except for insurance of assets and insurances which are compulsory in Mauritius including compulsory Third Party Insurance under the Road Traffic Act 1963. 3) Insurance Intermediaries selling insurance services in Mauritius must act only for insurers registered in Mauritius. 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(d) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
B. <u>Banking and Other Financial Services</u> (excluding insurance)			
(a) Acceptance of deposits	1) Unbound 2) None 3) Only institutions holding a banking licence and non-bank deposit taking institutions authorised by the Bank of Mauritius can accept deposits. 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	

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(b) Lending of all types (excluding factoring and specialized and structured products)	1) None 2) None 3) None, except with regard to credit exposure of branches of foreign banks where the capital of the head office is not to be taken into account. 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(c) All payment and money transmission services, including credit, charge and dedit cards, travellers cheques and bankers drafts	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(d) Guarantees and commitments	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(e) Trading for own account or for account of customers in the following: - money market instruments (including cheques, bills, certificates of deposits) - transferable securities - foreign exchange	1) None 2) None 3) None, except that trading for own account by commercial banks in shares is subject to prior approval of the Central Bank, i.e. Bank of Mauritius. Trading in listed securities can only be carried out by licensed stockbroking companies. 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(f) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues	1) None 2) None 3) None, except that participation by commercial banks in share issues requires the approval of the Bank of Mauritius. 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	

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(g) Settlement and clearing services for the following: (i) inter-bank transactions (ii) securities	1) Unbound, except for the provision of settlement and clearing services for financial assets which are listed on overseas exchanges only. 2) None 3) None, except that inter-bank transactions are to be cleared through the Central Bank and clearing and settlement of securities may be conducted only through the statutory clearing system. 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	
(h) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services	1) None for financial information that is public. 2) None 3) None, except for services provided by computer software or service firms. Provision of financial data processing services to commercial banks is subject to the approval of the Central Bank and to domestic laws on protection of confidentiality of information of customers of commercial banks. 4) Unbound, except as indicated in the horizontal commitment.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal commitment.	

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9. TOURISM AND TRAVEL RELATED SERVICES			
(1) Hotel Operators	1) The operator has to incorporate a company (Hotel Management Act 1982) 2) None 3) Foreign participation in hotels with less than 100 rooms limited to 49 per cent. In hotels with more than 100 rooms full foreign participation is allowed: none 4) Unbound except as indicated in the horizontal section	1) Free repatriation of profit governed by Bank of Mauritius Act and Income Tax Act 2) None 3) Foreign establishments must be staffed predominantly by Mauritians 4) Unbound except as indicated in the horizontal section	
(2) Restaurant Operators	1) Foreign participation is allowed in projects of more than Rs 10 millions 2) None 3) The project must not be less than RS 10 million 4) Unbound except as indicated in the horizontal section	1) Free repatriation of profit governed by Bank of Mauritius Act and Income Tax Act 2) None 3) Foreign establishments must be staffed predominantly by Mauritians 4) Unbound except as indicated in the horizontal section	

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(3) Travel Agencies	1) Travel agencies established outside of Mauritius must work through an agency established in Mauritius 2) None 3) Requires bank guarantee and licence. Clearance to be obtained from the Ministry of Tourism and Ministry of Internal and External Communication 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(4) Tour Operators	1) Restricted to Mauritian nationals 2) None 3) Permit requirement from the Ministry of Tourism, Ministry of Finance and Prime Minister's Office 4) Unbound except as indicated in the horizontal section	1) Restricted to Mauritian nationals 2) None 3) To comply with the regulations of the National Transport Authority 4) Unbound except as indicated in the horizontal section	
(5) Tourist Guides Services	1) Limited to Mauritian nationals. Exception made for languages not spoken by Mauritians 2) None 3) Allowed only in linguistic scarcely areas 4) Unbound except as indicated in the horizontal section	1) Governed by Immigration Laws 2) None 3) Governed by Income Tax Laws 4) Unbound except as indicated in the horizontal section	
(6) Tourist Transport Operation (car rental)	1) Limited to Mauritian nationals only 2) None 3) Limited to Mauritian nationals only 4) Unbound except as indicated in the horizontal section	1) Limited to Mauritian nationals only 2) None 3) Limited to Mauritian nationals only 4) Unbound except as indicated in the horizontal section	
(7) Yacht Chartering & Cruising Services	1) Reserved to Mauritian nationals. Pleasure Craft Act 1993 2) None 3) Reserved to Mauritian nationals. Pleasure Craft Act 1993 4) Unbound except as indicated in the horizontal section	1) Reserved to Mauritian nationals 2) None 3) Reserved to Mauritian nationals 4) Unbound except as indicated in the horizontal section	

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(8) Tourist Duty-Free Shops	1) Limited to Mauritian nationals 2) None 3) (i) Requirement of an Export Service Certificate (ii) Foreign participation limited to 30 per cent 4) Unbound except as indicated in the horizontal section	1) Limited to Mauritian nationals 2) None 3) (i) Subject to customs supervision (ii) Transaction in foreign currency with tourist customers only 4) Unbound except as indicated in the horizontal section	

MAURITIUS - LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Financial services as listed in the Annex on Financial Services except those contained in the Schedule of Specific Commitments of Mauritius.	Restrictions on commercial presence and cross-border supply to suppliers of other countries on the basis of reciprocity.	All	10 years	Maintenance of reciprocity measures designed to enhance access of Mauritian financial service suppliers to foreign financial market.