

WORLD TRADE ORGANIZATION

S/DCS/W/ZAF
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Trade in Services

Original: English

SOUTH AFRICA

Draft consolidated Schedule of Specific Commitments¹

Attached is a draft consolidated version of the Schedule of Specific Commitments of South Africa in word format. This document does not substitute for the legally binding commitments undertaken by South Africa in its Schedule of Specific Commitments (GATS/SC/78; GATS/SC/78/Suppl.2; GATS/SC/78/Suppl.3)

Attached to the draft consolidated schedule is South Africa's Article II (MFN) Exemption List (GATS/EL/78) in word format.

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.

SOUTH AFRICA – SCHEDULE OF SPECIFIC COMMITMENTS

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	<p>4) Unbound, except for the temporary presence for a period of up to three years, unless otherwise specified, without requiring compliance with an economic needs test, of the following categories of natural persons providing services:</p> <p>A. Services Salespersons - natural persons not based in South Africa and acquiring no remuneration from a source located within South Africa, who are engaged in activities related to representing a services provider for the purpose of negotiating for the sale of the services of that provider, without engaging in making direct sales to the general public or supplying services. Temporary presence for Services Salespersons is limited to a ninety-day period.</p>	<p>3) Local borrowing by South African registered companies with a non-resident shareholding of 25 per cent or more is limited</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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>B. Intra-corporate Transferees – natural persons of the following categories who have been employed by a juridical person that provides services within South Africa through a branch, subsidiary, or affiliate established in South Africa and who have been in the prior employ of the juridical person outside South Africa for a period of not less than one year immediately preceding the date of application for admission:</p> <p>Executives - natural persons within the organization who primarily direct the management of the organization or establish goals and policies for the organization or a major component or function 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.</p> <p>Managers - natural persons within an organization who primarily direct the organization, or a department or subdivision of the organization, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions and exercise discretionary authority over day-to-day operations at a senior level.</p> <p>Specialists - natural persons within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's product, service, 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Professionals - natural persons who are engaged, as part of a services contract negotiated by a juridical person of another Member in the activity at a professional level in a profession set out in Part II, provided such persons possess the necessary academic credentials and professional qualifications, which have been duly recognised, where appropriate, by the professional association in South Africa.</p> <p>C. Personnel Engaged in Establishment - natural persons who have been employed by a juridical person for a period of longer than one year immediately preceding the date of application for admission and who occupy a managerial or executive position and are entering South Africa for the purpose of establishing a commercial presence on behalf of the juridical person.</p>		
II. SECTOR SPECIFIC COMMITMENTS			
<p>1. BUSINESS SERVICES</p> <p>A. <u>Professional Services</u></p> <p>(a) Legal services (advisory services in foreign and international law only) (CPC 861 +)</p>	<p>1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound 2) Unbound 3) None 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Legal services (domestic law only) (CPC 861 +)	1) Unbound 2) Unbound 3) An advocate is not allowed to form a partnership/company 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
(b) Auditing (CPC 862 +)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) Citizenship requirement for accreditation 4) Unbound except as indicated in the horizontal section	
(c) Taxation services (excluding legal services) (CPC 863)	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	
(d) Architectural services (CPC 8671)	1) For building plans of 500 m ² and over the services of a locally registered architect have to be utilised 2) For building plans of 500 m ² and over the services of a locally registered architect have to be utilised 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	
(e) Engineering services (CPC 8672)	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	
(f) Integrated engineering services (CPC 8673)	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	

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
(g) (i) Urban planning services (CPC 8674)	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	
(g) (ii) Landscape architectural services (CPC 8674)	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	
(h) Medical and dental services (CPC 9312)	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	
(i) Veterinary services (CPC 932)	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	
(j) Services provided by: (i) Midwives and nurses (CPC 93191)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(j) (ii) Physiotherapists and paramedical personnel	1) Unbound* 2) Unbound* 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) Unbound* 3) None 4) Unbound except as indicated in the horizontal section	

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
B. <u>Computer and Related Services</u> (a) Consultancy services related to the installation of computer hardware (CPC 841) (b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) (d) Data base services (CPC 844) (e) Maintenance and repair services of office machinery and equipment including computers (CPC 8450)	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 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 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 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 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	
D. <u>Real Estate Services</u> (a) Involving own or leased property (CPC 821)	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	

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
(b) On a fee or contracting basis (CPC 822)	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	
E. <u>Rental/Leasing Services without Operators</u>			
(a) Relating to ships (CPC 83103)	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	
(b) Relating to aircraft (CPC 83104)	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	
(c) Relating to other transport equipment (CPC 83101 +) (CPC 83102 +) (CPC 83105)	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	
(d) Relating to other machinery and equipment (CPC 83106) (CPC 83107) (CPC 83108) (CPC 83109)	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	
F. <u>Other Business Services</u>			
(b) Market research and public opinion polling services (CPC 864)	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	

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
(c) Management consulting services (CPC 865)	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	
(d) Services related to management consulting (CPC 866)	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	
(e) Technical testing and analysis services (CPC 8676)	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	
(f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
(g) Services incidental to fishing (CPC 882)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
(h) Services incidental to mining (CPC 883) (CPC 5115)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	

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) Services incidental to manufacturing (CPC 884) (CPC 885)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
(k) Placement and supply services of personnel (CPC 872)	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	
(l) Investigation and security (CPC 873)	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	
(m) Engineering related scientific and technical consulting services (CPC 8675)	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	
(n) Maintenance and repair of equipment (CPC 633)	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	
(o) Building-cleaning services (CPC 874)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	

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
(p) Photographic services (CPC 875)	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	
(s) Convention services (CPC 87909)	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.	
2. COMMUNICATION SERVICES			
B. <u>Courier Services</u> (CPC 7512)	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	
Telecommunications Facilities based and public-switched telecommunications services: (a) Voice services, except over value-added network (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (d) Telex services (f) Facsimile services (g) Private leased circuit services	1) Only through the network of Telkom monopoly or subsequent duopoly on international traffic. Telkom monopoly to terminate not later than 31.12.2003, thereafter duopoly. 2) None 3) Telkom monopoly to terminate not later than 31.12.2003; thereafter duopoly. Foreign investment in suppliers permitted up to a cumulative maximum of 30 per cent 4) Unbound, except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section.	South Africa undertakes the attached additional commitments on regulatory principles. Authorities to consider by 31/12/2003 the feasibility of suppliers additional to the duopoly. Liberalization of resale services to take place between 2000 and 2003 with authorities to define terms and conditions as well as the maximum limit for foreign investment

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
(h) Electronic mail (CPC 7523) (i) Voice mail (CPC 7523) (j) On-line information and data base retrieval (CPC 7523) (k) Electronic data interchange (EDI) (CPC 7523)	1),2), 3) General limitations: There are limitations on the bypass of South African facilities for routing of domestic and international traffic. Telkom is currently acting as a de facto regulator by means of agreements entered into with VANS providers in South Africa.	1) None 2) None 3) None	
(l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (CPC 7523) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing) (CPC 843) (o) Other - Paging services - Personal radio communication services - Trunked radio system services	VANS providers can only provide international services with the consent of Telkom SA Ltd. Legislation is currently being proposed to introduce a Regulator who might take over the licensing function. No formal policy exists and applications from international VANS are dealt with on an informal ad hoc basis. This situation may be addressed with the anticipated introduction of a new regulatory regime. 4) Unbound except as indicated in the horizontal section 1) Only through the network of Telkom monopoly or subsequent duopoly on international traffic. Telkom monopoly to terminate not later than 31.12.2003; thereafter duopoly. 2) None 3) None except that foreign investment in suppliers permitted up to a cumulative maximum of 30 per cent. 4) Unbound, except as indicated in the horizontal section.	4) Unbound except as indicated in the horizontal section 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section.	

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
- Mobile Cellular, including mobile data	1) Only through the network of Telkom monopoly or subsequent duopoly on international traffic. Telkom monopoly to terminate not later than 31.12.2003; thereafter duopoly. 2) None 3) Services supplied on a duopoly basis. One additional mobile cellular licence will be granted within two years. Foreign investment in suppliers permitted up to a cumulative maximum of 30 per cent. 4) Unbound, except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section.	Authorities to examine feasibility of additional suppliers by 31/12/1998.
- Satellite-based services	1) Only through the network of Telkom monopoly or subsequent duopoly on international traffic. Telkom monopoly to terminate not later than 31.12.2003; thereafter duopoly. 2) None 3) Supplied only by Telkom monopoly until 31.12.2003; thereafter duopoly. Foreign investment in suppliers permitted up to a cumulative maximum of 30 per cent. 4) Unbound, except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	Authorities to examine feasibility of additional suppliers by 31/12/1998
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. <u>General Construction Work for Buildings</u> (CPC 512)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	

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
B. <u>General Construction Work for Civil Engineering</u> (CPC 513)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	
C. <u>Installation and Assembly Work</u> (CPC 514 +) (CPC 516)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	
D. <u>Building Completion and Finishing Work</u> (CPC 517)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	
4. DISTRIBUTION SERVICES			
B. <u>Wholesale Trade Services</u> (CPC 622)	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	
C. <u>Retailing Services</u> (CPC 631) (CPC 632) (CPC 6111) (CPC 6113) (CPC 6121)	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	
D. <u>Franchising</u> (CPC 8929)	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	

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
<p>6. ENVIRONMENTAL SERVICES (All entries in this sector are restricted to consultancy services only)</p> <p>A. <u>Sewage Services</u> (CPC 9401)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>B. <u>Refuse Disposal Services</u> (CPC 9402)</p> <p>C. <u>Sanitation and Similar Services</u> (CPC 9403)</p> <p>D. <u>Other</u> (Cleaning services of exhaust gases, noise abatement services and landscape protection services)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>7. FINANCIAL SERVICES</p> <p>A. <u>All Insurance and Insurance Related Services</u></p>			

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
(a) Direct life insurance (CPC 8121 +) (b) Direct non-life insurance (CPC 8129 +) (c) Reinsurance (CPC 81299 +) (d) Insurance intermediation and auxiliary services (CPC 8140)	1) Unbound 2) None 3) All insurers/reinsurers (and insurers on whose behalf policies are sold) need to be incorporated as a public company in South Africa and registered with the supervisory authority to carry on insurance business in South Africa.	1) Unbound 2) None 3) None	
B. <u>Banking and Other Financial Services</u> (a) Accepting of deposits and other repayable funds from the public (CPC 81115 to 81119)	<p>The acquisition of shares or any other interest (by a resident or non-resident) in a registered insurer resulting in the holding of 25 per cent or more of the value of all the shares or other interest in that business, requires the written approval of the Registrar of Insurance.</p> <p>The executive chairman, public officer and the majority of directors must be resident in South Africa.</p> <p>Life insurance actuaries must also be resident in South Africa.</p> 4) Unbound, except as indicated in the horizontal section.	4) Unbound, except as indicated in the horizontal section. 1) Unbound 2) Unbound	

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
<p>(b) Lending of all types, including, <i>inter alia</i>, consumer credit, mortgage credit, factoring and financing of commercial transactions (CPC 8113)</p> <p>(c) Financial Leasing (CPC 8112)</p>	<p>3) Dealings in foreign exchange in South Africa must be carried out through a dealer authorised by the SA Reserve Bank. Only banks registered to operate in South Africa with the required minimum capital base are eligible to seek authorization as a foreign exchange dealer.</p>	<p>3) Branches of banks not incorporated in South Africa must maintain a minimum balance of R 1 million on the deposit accounts of natural persons.</p>	
<p>(d) All payments and money transmission services, including credit, charge and debit cards, travellers cheques and bank drafts (CPC 81339 +)</p> <p>(e) Guarantees and commitments (CPC 81199 +)</p> <p>(f) Trading for own account or for account of customers the following:</p> <p>(i) Money markets instruments (CPC 81339+)</p> <p>(ii) Foreign exchange (CPC 81333)</p> <p>(iii) Derivative products (CPC 81339 +)</p> <p>(iv) Exchange rate and interest rate instruments (CPC 81339 +)</p> <p>(v) Transferable securities (CPC 81321 +)</p> <p>(vi) Other negotiable instruments (CPC 81339 +)</p>	<p>Companies involved in asset management, collective investment schemes and custodial services for securities and financial instruments (including equities and bonds) need to be incorporated as public companies in South Africa and registered with the supervisory authority to carry on business in South Africa.</p> <p>Trading for the account of customers on a licensed exchange requires separately capitalised incorporation in South Africa as a public or private company and registration with the relevant supervising authority.</p> <p>4) Unbound, except as indicated in the horizontal section.</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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(g) Participation in issues of all kinds of securities, including underwriting and placement as an agent (CPC 8132 +)</p> <p>(h) Money broking (CPC 81339 +)</p>			
<p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, custodial depository and trust services (CPC 8119 + and 81323 +)</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments</p> <p>(k) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131+)</p> <p>(l) Advisory and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv) of paragraph 5.(a) of the Annex on Financial Services. (CPC 8131+ and 8133+)</p> <p>9. TOURISM AND TRAVEL RELATED SERVICES</p>			

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
A. <u>Hotels and Restaurants</u> (including catering) (CPC 641)	1) Unbound except for catering: 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	
B. <u>Travel Agencies and Tour Operators Services</u> (CPC 7471)	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	
C. <u>Tourist Guide Services</u> (CPC 7472)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	
11. TRANSPORT SERVICES			
F. <u>Road Transport Services</u>			
(a) Passenger transportation (CPC 7121) (CPC 7122)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
(b) Freight transportation (CPC 7123)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
(d) Maintenance and repair of road transport equipment (CPC 6112)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	

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
<p>12. OTHER SERVICES NOT INCLUDED ELSEWHERE</p> <p>Washing, cleaning and dyeing services (CPC 9701)</p> <p>Hairdressing and other services (CPC 9702)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Coding: Numbers indicated in each sectoral commitment are references to the Services Sectoral Classification List (MTN.GNS/W/120) – W 120 and the UN Provisional Central Product Classification of 1991 (CPC).

- + Part of item
- * Unbound due to lack of technical feasibility

ADDITIONAL COMMITMENTS BY SOUTH AFRICA

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 feasibly be economically or technically substituted in order to provide a service.

A major supplier 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, alone 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 rates¹ 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;
- (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; and

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

¹ The authorities may determine different rates in respect of different services rendered in different areas under different circumstances or may determine rates which may be higher or lower than the normal rates providing that the determination of such rates is done on a non-discriminatory basis.

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 licence is required, all the licensing criteria and the terms and conditions of individual licences will be made publicly available.

The reasons for the denial of a licence 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, numbers 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.

SOUTH AFRICA- 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	Members of the Common Monetary Area enjoy preferential access to the South African capital and money markets and the transfer of funds, to or from the area of any other member of the Common Monetary Area, is exempt from exchange controls	Lesotho Namibia Swaziland	Indefinite	The Common Monetary Area Agreement is aimed at the sustained economic development of the area as a whole. In particular, it encourages the advancement of the less developed members of the area through preferential access to South Africa's capital and money markets.
Road Transportation	Regional bilateral and plurilateral road transport agreements providing for the transport rights to carry goods and passengers to or from South Africa and between third countries concerned, to be reserved for the road transport operators of the contracting parties to existing and future agreements. Cabotage restricted to South African registered vehicles and operators.	Botswana Lesotho Swaziland Malawi Zimbabwe Other Sub-Saharan African countries	Indefinite	To enhance the development of an integrated road transport system to underpin the economic development of the region and to ensure the availability of an efficient distribution network for relief supplies in case of natural disasters such as frequently occurring droughts in the region