



SADC Trade in Services

List of Commitments by Madagascar

The Republic of Madagascar herewith submits its list of specific commitments on trade in services under the SADC Protocol on Trade in Services. This offer contains a list of specific commitments in four priority sectors: communication, financial, tourism and travel-related, and transport services.

Supply mode : 1) Cross-border supply 2) Foreign consumption 3) Commercial presence 4) Presence of natural persons			
Sector or subsector	Market Access Limitations	National Treatment Limitations	Additional commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS LIST		<p>3) Within three months of the registration of a company, at least one of its corporate officers must be resident in Madagascar, whether of Malagasy nationality or a foreigner holding a resident visa or a receipt of application for a resident visa.</p> <p>Foreign natural and legal persons cannot directly access land ownership. However, they may freely and without prior authorization take out an emphyteutic lease¹, for a maximum duration of ninety-nine years.</p>	
	<p>4) Unbound, except for measures concerning the entry and stay for a renewable period of up to one year of natural persons who fall into the following category:</p> <p>(a) Persons transferred within a company: Only for executives and managers defined as:</p> <ul style="list-style-type: none"> - corporate officers or directors: any person involved in decision-making, management or administration, authorized to act in the name and on behalf of a company; or 	<p>4) Unbound, except for measures concerning the category of natural persons mentioned in the market access column.</p>	

¹This is a long-term lease of at least 18 and maximum 99 years.

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	- managers (only for a limited liability company): any person empowered to make decisions on behalf of the company.		
II. SECTOR-SPECIFIC COMMITMENTS			
2.C. TELECOMMUNICATION SERVICES			
Commitments in Basic Telecommunication Services are undertaken in accordance with the Chairman's Note on Scheduling of Commitments in Basic Telecommunications (S/GBT/W/2/Rev.1)			
a. Voice Telephone Services (CPC 7521) b. Packet-Switched Data Transmission Services (CPC 7523**) c. Circuit-switched data transmission service (CPC 7523**) d. Telex Services (CPC 7523**) e. Telegraph Services (CPC 7522) f. Facsimile Services (CPC 7521** + 7529**) g. Private Leased Circuit Services (CPC 7522** + 7523**) h. Electronic mail Services (CPC 7523**) i. Voice mail (CPC 7523**) j. On-line information and data base retrieval (CPC 7523**) k. Electronic Data Interchange Services (CPC 7523**)	1) The use of the call back system or any other system designed to reverse the establishment or routing of telephone, telex, fax and data transmissions is not permitted 2) The use of the call back system or any other system designed to reverse the establishment or routing of telephone, telex, fax and data transmissions is not permitted 3) For licensed services ² , the number of licenses may be limited in order to ensure the possibility of competition in each market segment in all geographical areas For the services concerned, representation, promotion and resale of call-back services or any other system designed to reverse the establishment or routing of telephone, telex, telefax and data transmissions are not permitted.	1) None 2) None 3) None 4) Unbound, except as indicated under Horizontal Commitments	

²The provision of services (a, b, c, d, e, f, g and h) which requires the use of limited resources such as unshared frequencies and call numbers is subject to licensing. The license applicant must prove that it operates in at least 10 countries totaling at least 100 million lines. The supply of services (i, j, k, l, m, n) is subject to reporting.

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l. Value Added/Enhanced Facsimile Services, including store and forward, store and retrieve (CPC 7523**) m. Code and Protocol Conversion Services (CPC 7523**) n. On-line information and/or data processing services (including transaction processing) (CPC 843**)	4) Unbound, except as indicated under Horizontal Commitments		
7. FINANCIAL SERVICES			
A. All insurance and insurance-related services			
i) Direct insurance (including coinsurance): A) life insurance (CPC 8121*) B) non life insurance (CPC 8129*)	1) Unbound 2) Unbound 3) Companies must be incorporated as a public limited company or in the form of a mutual insurance company in the territory of the Republic of Madagascar 4) Unbound, except as indicated under Horizontal Commitments	1) Unbound 2) Unbound 3) The general representative of a foreign company ³ must be domiciled and resident in the territory of Madagascar for at least twelve months 4) Unbound, except as indicated under Horizontal Commitments	
ii) Reinsurance and retrocession (CPC 81299*)	1) None 2) None 3) Unbound 4) Unbound, except as indicated under Horizontal Commitments	1) None 2) None 3) Unbound 4) Unbound, except as indicated under Horizontal Commitments	
iii) Insurance intermediation, e.g. brokerage and general insurance agency activities (CPC 8140*)	1) Unbound 2) Unbound 3) None ⁴	1) Unbound 2) Unbound 3) None	

³A company of which more than 50% of the share capital is owned by foreigners or whose share of voting rights gives control of the company's votes is considered foreign.

⁴There is a system for a prior approval by the insurance regulatory entity; A license is to be issued if the technical conditions are fulfilled

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	4) Unbound, except as indicated under Horizontal Commitments	4) Unbound, except as indicated under Horizontal Commitments	
iv) Auxiliary services: only actuarial services(CPC81404)	1) None 2) None 3) None 4) Unbound, except as indicated under Horizontal Commitments	1) None 2) None 3) None 4) Unbound, except as indicated under Horizontal Commitments	
B. Banking and other Financial Services (except insurance)			
a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119) b) All types of loans (CPC 8113) i) Consumer credit ii) Mortgage credit iii) Financing of transactions c) Leasing (CPC 8112) d) All settlement and monetary transfer services (CPC 81339**) e) Guarantees and commitments (CPC 81199**)	1) Unbound for movement of funds, except for the sale of shares, stocks, business assets or other assets, liquidation bonus shares, expropriation allowances for foreign investors 2) Unbound for movement of funds, except for the sale of shares, stocks, business assets or other assets, liquidation bonus shares, expropriation allowances for foreign investors 3) Credit institutions have to be constituted in the form of a legal person 4) Unbound, except as indicated under Horizontal Commitments	1) Unbound for movement of funds, except for the sale of shares, stocks, business assets or other assets, liquidation bonus shares, expropriation allowances for foreign investors 2)None 3) Repatriation required of receipts obtained from business conducted abroad. Credit institutions must have at least two principal directors resident in Madagascar 4) Unbound, except as indicated under Horizontal Commitments	
9. TOURISM AND TRAVEL-RELATED SERVICES			
A. Hotel and Restaurant Services			
Hotel services (CPC6411 and 6412);and restaurant services (CPC 6421-6422) : limited to minimum 3-star hotels	1) Unbound 2) None 3) None 4) Unbound, except as indicated under Horizontal Commitments	1) Unbound 2) None 3) None 4) Unbound, except as indicated under Horizontal Commitments	

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B. Travel Agency and Tour Operator Services			
Travel agency services and tour operator services (CPC7471)	1) Supply must be done in collaboration with a receptive company based in Madagascar 2) Supply must be done in collaboration with a transmitter foreign company 3) Unbound 4) Unbound, except as indicated under Horizontal Commitments	1) None 2) None 3) Unbound 4) Unbound, except as indicated under Horizontal Commitments	
11. TRANSPORT SERVICES			
A. Maritime transport services			
a. Passenger transportation (CPC 7211**)	1) None	1) None	
b. Freight transportation (CPC 7212**) Excluding all national cabotage activities	2) None 3) Unbound except for the creation of a subsidiary by a foreign ship-owner operating ships flying a foreign flag 4) Unbound, except as indicated under Horizontal Commitments	2) None 3) Unbound 4) Unbound, except as indicated under Horizontal Commitments	
e. Pushing, towing services (CPC 7214)	1) Unbound* 2) None 3) None. ⁵ 4) Unbound, except as indicated under Horizontal Commitment	1) Unbound* 2) None 3) None 4) Unbound, except as indicated under Horizontal Commitments	

⁵Authorization to provide services may take the form of public service concessions. However, the duration of the concession may not exceed thirty (30) years if the concession provides for the construction by the concessionaire of heavy infrastructures such as jetties, moles, quays, etc.,

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C. Air Transport Services			
Aircraft repair and maintenance services as defined by the GATS Annex on Air Transport Services	1) Unbound 2) Aircraft repair and maintenance abroad of all aircrafts registered in Madagascar must be done in a repair and maintenance workshop approved by the service provider and authorized by Madagascar's Civil Aviation Authority which will review the file and make an audit on the compliance with ACM regulations ⁶ 3) Market access shall be granted on the basis of a technical and economic needs test 4) Unbound, except as indicated under Horizontal Commitments	1) Unbound 2) None 3) None 4) Unbound, except as indicated under Horizontal Commitments	
H**. Services auxiliary to maritime transport only.			
Private operators are permitted to provide port operation services on the basis of public service concessions or permits of private tools/machines granted by the port authorities..			
- Maritime cargo handling services (CPC 741*) - Storage and warehousing services (CPC 742*) - Pilotage and berthing services (CPC 7452)	1) Unbound* 2) None 3) None. ⁷ 4) Unbound, except as indicated under Horizontal Commitments	1) Unbound* 2) None 3) None 4) Unbound, except as indicated under Horizontal Commitments	

⁶ Conditions published on ACM's website.

⁷ Authorization to provide services may take the form of public service concessions. However, the duration of the concession may not exceed thirty (30) years if the concession provides for the construction by the concessionaire of heavy infrastructures such as jetties, moles, quays, etc., otherwise it should not exceed fifteen (15) years