



SADC on Trade in Services

List of commitments by the Republic of Mozambique

The Republic of Mozambique submits herewith its list of specific commitments under the SADC Protocol on Trade in Services. This offer covers communication, financial, tourism and transport services and lists the derogations under the Most Favoured Nation (MFN) Clause, as provided for in paragraph 5 of Article 4.º **(Article 4:5)** of the SADC Protocol on Trade in Services.

Modes of supply:		1) Cross border	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
Sectors and subsectors		Limitations on Market Access		Limitations on National Treatment	Additional Commitments	
I. HORIZONTAL COMMITMENTS						
ALL SECTORS INCLUDED IN THIS LIST				(1), (2), (3), (4) Subsidies are unbound, except for banking and other financial services (excluding insurance):		
		<p>4) Unbound, except for measures relating to entry or temporary stay of natural persons who fall in one of the following categories:</p> <p>(a) Business Visitors: Persons not based in Mozambique who are representatives of business carrying on activities in SADC Member States and who are seeking temporary entry into Mozambique for the purpose of:</p> <ul style="list-style-type: none"> i) Negotiating for the sale of services of that business; ii) Entering into agreements to sell services for that business; iii) Participating in business meetings or preparing for the establishment of a commercial presence where those representatives will not be engaged in making direct sales to the general public; iv) Conducting market research in relation to a service or services rendered by juridical persons not based in Mozambique; <p>Entry and stay of such persons shall be for a</p>		<p>4) Unbound except for measures concerning the categories of natural persons referred to in the Market Access.</p>		

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	period no more than thirty (30) days renewable to no more than ninety (90) days.				
	<p>(b) Intra-corporate transferees (ICT): shall mean managers, executives and specialists, as defined hereunder, SADC service providers which have established a commercial presence in the territory of Mozambique, being transferred temporarily to that commercial presence and who have been previously employed by the SADC services provider for at least two years.</p> <p>Managers: Natural persons within the organization whose primary function is:</p> <ul style="list-style-type: none"> (i) To manage the organization or a department or subdivision of the organization. (ii) To supervise and control the work of other supervisors, professionals or management staff; (iii) To recruit or dismiss or recommend for recruitment the professionals and management staff; (iv) To effect discretionary authority over every day activities. <p>Executives: Natural persons within the organization who primarily direct the management of the organization or a major</p>				

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	<p>component or function of the organization, with wide decision-making powers, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business.</p> <p>Executives would not directly perform tasks related to the actual provision of a service or services of the organisation.</p> <p>Experts: Natural persons in the organization who possess knowledge at an advanced level of expertise and a proprietary knowledge of the entity's products, services, operations or management techniques. This knowledge should reflect the required academic credentials and professional qualifications for performing work within the scope of a particular profession.</p> <p>For the entry and residence of these persons, a work visa will be granted, which must be used within sixty days after the date of its grant and allows the holder multiple entries and stay until the end of the employment contract.</p> <p>Entry and stay of these people will be according to the term of the work contract</p>				
	<p>(b) Contractual services suppliers: Contractual service suppliers are employees of juridical persons with no commercial presence in Mozambique, which have obtained a service contract in Mozambique requiring the</p>				

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		presence of their employees in order to fulfil the contract. Entry and stay of such persons shall be for a period of thirty (30) days renewable to no more than ninety (90) days.			
		(f) Independent Professionals: shall mean natural persons who are self-employed and based in the territory of another Member State of SADC and who supply services as part of a service contract with a juridical person in Mozambique. For the following sectors and sub-sectors entry and stay shall be for a period no more than thirty 30 days: <ul style="list-style-type: none"> - Banking and other financial services (excluding insurance services) (CPC 8111 - 81119, 8112, 8113, 81199, 8131 – 8133) - Tour Operator services (CPC 7471) - Hotels and restaurants (incl. catering) (CPC 641 - 643) 			
II. SPECIFIC COMMITMENTS					
2. COMMUNICATION SERVICES					
C. Telecommunication Services¹					

¹ (*) indicates that the service specified is a component of a more aggregated CPC item specified elsewhere in the classification list W120.

(**) indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

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<p>(i) Commitments in this sector do not cover services conveyed by telecommunication services</p> <p>(ii) This Schedule does not include telecommunication services provided for the distribution of radio or television programmes for direct reception by services consumers.</p> <p>(iii) Mozambique is restructuring and upgrading its telecommunications system. Mozambique commits itself to consolidate the changes emerging from the new telecommunications law in its commitment Schedule under the SADC Protocol on Trade in Services once the law has been passed. The aim of the new law is to maintain the level of the telecommunications market openness and, at the same time, to regulate relevant issues which have not yet been the object of regulation in Mozambique.</p>				
<p>Local, Long Distance and International Services for public use or otherwise, provided by any network technology (cable, satellite, etc.)</p> <p>a. Voice telephone services (CPC 7521);</p> <p>b. Packet switched data transmission services (CPC 7523 **);</p> <p>c. Circuit switched data transmission services (CPC 7523**);</p> <p>d. Telex services (CPC 7523**);</p> <p>e. Telegraph services (CPC 7522);</p> <p>f. Facsimile services (CPC 7521**+ CPC 7529**)</p> <p>g. Privately leased circuit services (CPC 7522**+ CPC 7523**)</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>Value Added Services</p> <p>h. Electronic Mail (CPC 7523**)</p> <p>i. Voice Mail (CPC 7523**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>		<p>1) None</p> <p>2) None</p> <p>3) None</p>	

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j. <i>On line</i> information and data base retrieval (CPC 7523**) k. Electronic Data Interchange (EDI) (CPC 7523**) l. Enhanced/value added facsimile services, including "store-and-forward" and "store-and-retrieve" (CPC 7523**) m. Code and protocol conversion (n.d.) n. <i>On line</i> information e/ou data processing (incl. transaction processing) (CPC 843**) o. Others <ul style="list-style-type: none"> - Mobile Services (Analogue/Digital Cellular Services (800MHz, 900MHz, 1800MHz) (CPC 75213) - Satellite mobile Services (CPC 75299) - Paging (CPC 75291) - Trunking Services (460 MHz, 800MHz, 900MHz) (CPC 75299) 		4) Unbound except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section	
7. FINANCIAL SERVICES					
A. All insurance and insurance related services.					
Subsectors horizontal provisions: <ul style="list-style-type: none"> ▪ commitments taken in modes 1) and 2): the distribution of insurance and reinsurance abroad shall be exclusively through the competent agency. (see note). Guarantee reserves for insurance and co-insurance abroad shall be fully retained in Mozambique. ▪ Insurance companies shall be incorporated as companies with limited liability in order to be able to provide services through a commercial presence in the country. The establishment of branches of foreign companies without the need to be incorporated as a Mozambican legal entity may be considered 					

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<p>on a individual basis through authorization from the Mozambique Insurance Supervisory Institute (Instituto de Supervisão de Seguros de Moçambique). Additional requirements when seeking authorization to operate in Mozambique are as follows: accreditation in the home country by the financial supervisory authority.</p> <ul style="list-style-type: none"> Mozambique reserves the right to add internal rules of a prudential and social nature aiming at universalizing insurance in the country. For this purpose, the measures include those improving the supervisory capacity of the insurance and reinsurance regulatory authorities, for quality assurance in the provision of these services to both physical and legal Mozambican persons. <p>Note: It is the responsibility of the Instituto de Supervisão de Seguros de Moçambique (ISSM), to establish the guidelines and standards applicable to segments of private insurance and capitalization insurance. It is also the responsibility of the ISSM to register and supervise the establishment, management and the operation of insurance and capitalization societies. (Reg. ISSM / Labour Law/Bank of Mozambique Act).</p>					
a. Life insurance services (CPC 8121*).	1) Unbound 2) Unbound 3) None. 4) Unbound, except as indicated in the horizontal section of all sectors included in this list.	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section of all sectors included in this list.			
b. Non-life insurance services (CPC8129).	1) None 2) None 3) None. 4) Unbound, except as indicated in the horizontal section of all sectors included in this list.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section of all sectors including in this list.			
c. Reinsurance and retrocession services (CPC 81299*)	1) Unbound 2) Unbound 3) None. 4) Unbound, except as indicated in the horizontal section of all sectors included in this list	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section of all sectors included in this list			

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d. Insurance support services (including brokerage and agency services)	1) Unbound 2) Unbound 3) None. 4) Unbound, except as indicated in the horizontal section of all sectors included in this list.			1) Unbound 2) Unbound 3) None. 4) Unbound, except as indicated in the horizontal section of all sectors included in this list.	
B. Banking and other financial services (excluding insurance)					
<p>For the purpose of these commitments, financial institutions are defined as multiple banks, commercial banks, investment banks, credit, financing and investment unions, building societies; mortgage loan companies, credit cooperatives, credit societies to microenterprises, leasing companies, brokerage firms and securities dealers. Each of them can perform only those activities allowed by the Banco de Mozambique. Representative offices of banks may not perform activities which are typical of a financial institution.</p> <p>Mozambique will allow foreign financial institutions of another Party established in its territory to provide any new financial service Mozambique may allow in future to its own institutions. The provision of those services shall be conditional on being in line with the regulatory structure of Mozambican law. Mozambique may decide on the legal structure to be adopted by the institutions in order to provide new financial services and specific authorization may be required for the provision of those services. For the purpose of this provision, a financial institution means any agency, branch, or subsidiary of a financial institution of another Party established in Mozambique and new financial services are defined as services of a financial nature, including existing services and products or those to be established within the territory of the other Party.</p>					
B. Banking and other financial services (excluding insurance)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section of all sectors included in this list.			1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section of all the sectors included in this list.	

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9. TOURISM AND TRAVEL RELATED SERVICES					
A. Hotels and Restaurants (CPC 641 + 642 +643)	1) Unbound *	2) None	3) Unbound, except for 3 star or above establishments and third class or above restaurants.	4) Unbound, except as indicated in the horizontal section.	1) Unbound * 2) None 3) None, except that training of Mozambique staff is a mandatory requirement. 4) Unbound, except as indicated in the horizontal section.
Travel agencies and tour operator services (CPC 7471)	1) None	2) None	3) Foreign participation 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
11. TRANSPORT SERVICES					
(i) Cabotage transport, with or without crew, between ports or points around the Mozambican territory, by sea or inland waterways, is reserved to vessels flying the national flag, except if there are not enough national providers offering such services.					
A. Maritime Transport Services					
a. Passenger transport (CPC 7211)	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. Freight Transport (CPC 7212)	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. Rental of vessels with crew (CPC 7213)	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. Maintenance and repair of vessels (CPC 8868)	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. Maritime towing and pushing services (CPC 7214)	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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f. Support services for maritime transport (CPC 745)				
F. Road Transport Services				
a. Passenger transport (CPC 7121 + 7122)	1) Unbound	2) None	1) Unbound	
b. Freight transport (CPC 7123)	3) None	4) Unbound, except as indicated in the horizontal section	2) None	
c. Rental of commercial vehicles with operator (CPC 7124)	3) None		3) None	
d. Maintenance and repair of road transport equipment (CPC 6112 + 8867)	4) 4) Unbound except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section	
e. Support services for road transport (CPC 744)			1) None	
			2) None	
			3) None	
			4) Unbound except as indicated in the horizontal section	

LIST OF MFN EXEMPTIONS/DEROGATIONS UNDER ARTICLE 4.5 OF SADC TRADE IN SERVICES PROTOCOL

Sector ou subsector	Description of the measures which indicate non conformity with Article II	Country or countries to which the measures are applied	Proposed duration	Conditions creating the need for derogation
All sectors Commercial.	Measures according preferential treatment under Investment Bilateral Agreements	All countries that have signed or are about to sign Investment Bilateral Agreements with Mozambique.	Indefinite period	To promote investment in Mozambique.
Movement of individuals	Measures according preferential treatment to the movement of individuals.	All countries that have signed or are about to sign such Agreements with Mozambique.	Indefinite period	To strengthen economic cooperation and technical assistance between Mozambique and countries Parties to the Agreements.