



SADC Trade in Services

List of Commitments by the Seychelles

The Republic of Seychelles submits herewith a list of commitments under the SADC Protocol Trade in Services. The list contains:(1) a final specific commitment in communication, financial, tourism and transport services, (2) a draft list of MFN Exemptions, as provided for under Article4:5 of the SADC Protocol on Trade in Services, and (3) the Reference Paper on Basic Telecommunication Services which is annexed as additional commitments.

Mode of delivery: 1) Cross-border supply 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 SCHEDULE	<p>4) Unbound, except measures relating to entry and temporary stay of natural persons who fall in one of the following categories:</p> <p>(a) Business Visitors: Persons not based in Seychelles who are representatives of business carrying on activities in SADC Member States and who are seeking temporary entry into Seychelles for the purpose of:</p> <p>(i) Negotiating for the sale of the services of that business;</p> <p>(ii) Entering into agreements to sell services for that business;</p> <p>(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;</p> <p>(iv) Conducting market research in relation to a service or services rendered by juridical persons not based in Seychelles;</p> <p>(v) Represents a foreign shareholder(s) of a company based in Seychelles for the duration of the Annual General Meeting (AGM).</p> <p>Entry and stay of such persons shall be for a period no more than 90 days.</p>	<p>(1), (2), (3), (4) subsidies are unbound.</p> <p>(3) Leasing of land to foreign enterprises and any extensions thereof requires Government approval.</p> <p>Unbound for land acquisitions.</p> <p>(4) Unbound except for measures concerning the categories of natural persons referred to in the market access.</p>	

Mode of delivery: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sectors and subsectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	<p>(b) Intra-corporate transferees (ICT): managers, executives and specialists, as defined hereunder, of SADC service supplier, which has established a commercial presence in the territory of Seychelles, temporarily moving as inter-corporate transferees to a commercial presence and who has been previously employed by SADC service supplier for at least one year.</p> <p>Managers: Persons within an organization who primarily:</p> <ul style="list-style-type: none"> (i) Direct the organization, or a department or sub- division of the organization. (ii) Supervise and control the work of other supervisory, professional or managerial employees. (iii) Has the authority to hire and fire or recommend hiring, professional or managerial employees. (iv) Exercise discretionary authority over day to day operations. <p>Executives: Natural persons within the organization who primarily direct the management of 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</p>			

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Sectors and subsectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>higher-level executives, the board of directors, or stockholders 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>Specialists: 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>Entry and stay shall be for a period of two years which may be renewed</p>		
	<p>(c) Contractual services suppliers: Contractual service suppliers are employees of juridical persons with no commercial presence in Seychelles, which have obtained a service contract in Seychelles requiring the presence of the employees in order to fulfill the contract.</p> <p>Entry and stay of such persons shall be for a period no more than 3years consecutive contracts of 2years duration each, that is, a maximum of 6years. Extension beyond that duration will only be considered in exceptional circumstance and with valid justification.</p>		

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Sectors and subsectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(d) 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 Seychelles. For the following sectors and sub-sectors entry and stay shall be for a period no more than 180 days:</p> <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) <p>(e) Installers and maintainers: Qualified specialists supplying installation or maintenance services for industrial machinery or industrial equipment. The supply of that service has to occur on a fee or contractual basis (installation/maintenance contract) between the builder of the machinery or equipment and the owner of that machinery or equipment, both being juridical persons.</p> <p>Temporary entry is granted for periods of stay of no more than 90 days.</p>		

Mode of delivery:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
Sectors and subsectors		Limitations on Market Access		Limitations on National Treatment	Additional Commitments	
2. COMMUNICATIONS SERVICES						
A. and B. Postal and Courier Services (including express delivery services)¹						
<p>Services relating to the handling² of items in accordance with the following list of sub-sectors, whether for domestic or foreign destinations.</p> <p>The sub-sectors below are excluded when they fall into the scope of the services which are reserved for the Seychelles Post Office, which are: simple letters weighting less than 500 grams, postcards.</p> <p>(i) Handling of addressed written communication on any kind of physical medium³, including:</p> <ul style="list-style-type: none"> – Hybrid mail service – Direct mail <p>(ii) Handling of addressed parcels and packages⁴</p>		<p>(1) None</p> <p>(2) None</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments</p>		<p>(1) None</p> <p>(2) None</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal commitments</p>		<p>Same treatment will be applied to the Seychelles Post Office and Private Operators for express delivery services.</p>

¹The commitment on postal and courier services and express delivery services applies to commercial operators of all forms of ownership, both private and state.

²"Handling" should be taken to include clearance, sorting, transport and delivery

³E.g. letters, postcards

⁴Books and catalogues are included in this subsector

Mode of delivery:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sectors and subsectors		Limitations on Market Access		Limitations on National Treatment	Additional Commitments
(iii) Handling of addressed press products ⁵ (iv) Handling of items referred to in (i) to (iii) above as registered or insured mail (v) Express delivery services ⁶ for items referred to in (i) to (iii) above (vi) Handling of non-addressed items (vii) Document exchange ⁷ (viii) Other services not elsewhere specified					
C. TELECOMMUNICATION SERVICES					
Commitments hereunder are made 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) of the World Trade Organisation.					
Basic Telecommunication Services:					
a. Voice telephone service (CPC 7521)	(1) None	(1) None			
b. (Packet-switched data transmission (CPC 7523*))	(2) None (3) None.	(2) None (3) None.			
c. Circuit-switched data transmission (CPC 7523**)	(4) Unbound, except as indicated in the horizontal commitments.	(4) Unbound, except as indicated in the horizontal commitments			
d. Telex services (CPC 7523*)					

⁵Magazines, newspapers and periodicals

⁶Express delivery services are defined as the collection, transport, and delivery of documents, printed matter, parcels, goods or other items on an expedited basis while tracking and maintaining control of these items throughout the supply of the service.

⁷Provision of means, including the supply of ad hoc premises as well as transportation by a third party, allowing self-delivery by mutual exchange of postal items between users subscribing to this service. Postal item refers to items handled by any type of commercial operator, whether public or private

Mode of delivery:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sectors and subsectors		Limitations on Market Access		Limitations on National Treatment	Additional Commitments
e. Telegraph services (CPC 7522) f. Facsimile Services (CPC 7521** + 7529**) g. Private leased circuit services (CPC 7522** + 7523**) h. Paging (CPC 75291) i. Teleconferencing (CPC 75292)					
Value Added Services:					
j. Electronic mail (CPC 7523**) k. Voice Mail (CPC 7523**) l. On-line information and data base retrieval (CPC 7523**) m. Electronic Data Interchange (EDI) (CPC7523**) n. Enhanced value-added facsimile services incl. store and forward, store and retrieve (CPC 7523**) o. Code and Protocol conversion p. Online information and data processing (incl. transaction processing (CPC 843**) q. Others (CPC 75299)		(1) None (2) None (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.	
D. AUDIOVISUAL SERVICES					

Mode of delivery:			
1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sectors and subsectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a. Motion picture or video production services (CPC 96112) (excluding broadcasting on Television) b. Video projection services (CPC 96122) (excluding broadcasting on television) c. Motion picture projection services (CPC 96121) (excluding broadcasting on television) d. Motion picture and video distribution services (CPC 9611) excluding broadcasting on television	(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	
7. FINANCIALSERVICES			
A. Insurance and Insurance-related Services.			
i. Direct insurance (including-insurance)			
a. Life insurance services (CPC 8121) b. Non-life Insurance services (CPC 8129) except for insurance of risks relating to space launching and freight (including satellites), international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicles transporting the goods and any liability arising	(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	

Mode of delivery:	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sectors and subsectors	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
therefrom, and goods in international transit				
c. Reinsurance and retrocession (CPC 81299*)	(1) None		(1) None	
d. Services auxiliary to insurance (including broking and agency services (CPC 8140)	(2) None		(2) None	
	(3) None		(3) None	
	(4) Unbound except as indicated in horizontal commitment.		(4) Unbound except as indicated in horizontal commitment.	
B) Banking and other financial services (excluding insurance)				
a. Acceptance of deposits and other repayable funds from the public (CPC 8111 – 81119)	(1) Unbound.		(1) Unbound.	
b. Lending of all types, including consumer credit, mortgage credit factoring and financing of commercial transaction (CPC 8113)	(2) None.		(2) None.	
c. Financial leasing (CPC 8112)	(3) None.		(3) None.	
d. All payment and money transmission services (CPC 81339**)	(4)Unbound, except as indicated in the horizontal commitments		(4)Unbound, except as indicated in the horizontal commitments	
e. Guarantees and commitments (CPC 81199**)				
f. Trading for own account or for account of customers whether on an exchange, in				

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<p>an over- the-counter market or otherwise the following:</p> <ul style="list-style-type: none"> – money market instruments (checks, bills, certificates and deposits, etc.) (CPC 81339**) – foreign exchange (81333) – derivative products including, but not limited to futures and options (81339**) – Exchange rate and interest rate instruments, including such as swaps, forward rate arrangements, etc. (81339**) – transferable securities (81321*) – other negotiable instruments and financial assets, including bullion (81339**) <p>g. Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of service related to such issues (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,</p>	<p>(1)"Unbound except 'None' for private pension funds</p> <p>(2) None.</p>		<p>1) Unbound, except 'None' for private pension funds.</p> <p>(2) None.</p>	

Mode of delivery:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sectors and subsectors		Limitations on Market Access		Limitations on National Treatment	Additional Commitments
custodial depository and trust services (CPC 8119** - 81323*)		(3) None. (4) Unbound, except as indicated in the horizontal commitments		(3) None. (4) Unbound, except as indicated in the horizontal commitments	
j.	Settlement and clearing services of financial assets, including securities, derivative products, and other negotiable instruments (CPC 81339** + 81319**)	(1) Unbound. (2) None. (3) None, (4) Unbound, except as indicated in the horizontal commitments.		(1) Unbound. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments	
k.	Advisory and other auxiliary financial services and all activities listed in article B of MTN. TNC/W/50, including investment and portfolio research and advice on acquisitions and on corporate restructuring and strategy (CPC8131 or CPC8133)				
l.	Provision and transfer of	(1) None.		(1) None.	
m.	Financial information, and financial data processing related software by providers of other financial services (CPC 8131) – private pension funds (CPC 8119**)	(2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments		(2) None. (3) None. (4)Unbound, except as indicated in the horizontal commitments	
9. TOURISMANDTRAVEL-RELATEDSERVICES					
A. Hotels and restaurants (including catering)					

Mode of delivery:	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sectors and subsectors	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> - Hotels and other lodging services (CPC64110) (excluding establishment with less than 15 units) - Letting services of furnished accommodation for long term stay only (excluding units and boarding houses and cabins(CPC64193)(excluding establishment with less than 15 units) 	<ul style="list-style-type: none"> (1) None (2) None. (3) None, except that hotel establishments with 16-24 units (excluding staff- Quarters) located on Mahe, Praslin, La Digue, Silhouette, Cerf and St Anne island, foreign equity limited to 80%. (4) Unbound, except as indicated in the horizontal commitments. 		<ul style="list-style-type: none"> (1) None (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments 	
<ul style="list-style-type: none"> - Restaurants(CPC64210)excluding restaurant with less than 21⁸covers - Motel lodging services (CPC 6412)(excluding establishments with less than 15 units) 	<ul style="list-style-type: none"> (1) None, (2) None. (3) None (4) Unbound, except as indicated in the horizontal commitments. 		<ul style="list-style-type: none"> (1) Unbound. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal commitments 	
B. Travel agencies and tour operators services				
Tour operator services (CPC7471**) ⁹ (excluding travel agents)	<ul style="list-style-type: none"> (1) None. (2) None. (3) Foreign equity limited to 49%. 		<ul style="list-style-type: none"> (1) None. (2) None. (3) None. 	

⁸Table setting for one person

⁹Means persons carrying on a business of planning, scheduling or organizing of tours which include arrangement for accommodation, sightseeing or other similar services by any mode of transport.

Mode of delivery:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sectors and subsectors		Limitations on Market Access		Limitations on National Treatment	Additional Commitments
		(4) Unbound, except as indicated in the horizontal commitments.		(4) Unbound, except as indicated in the horizontal commitments	
11. TRANSPORT SERVICES					
A. Maritime Transport Services					
– Transport (freight and passengers (CPC 7211 and 7212) except cabotage ¹⁰)		(1) None. (2) None. (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	The following services at the port are made available to international maritime transport suppliers on reasonable and no discriminatory terms and conditions: 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fueling and watering;
– Maintenance and repair of vessels (8868**) excluding vessels below 60 metres in length – Vessel salvage and re-floating services (7454)		(1) None (2) None (3) Foreign equity limited to 49% (4) Unbound, except as indicated in the horizontal commitments.		(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	

¹⁰"without prejudice to the scope of the activities which may be considered as cabotage under the relevant legislation of Seychelles, this schedule does not include maritime cabotage services, which are assumed to cover transportation of passenger or good between a port located in Seychelles and another port located in Seychelles and traffic originating and terminating in the same port located in Seychelles provided that the traffic remains within Seychelles territorial waters."

Mode of delivery: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sectors and subsectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			4. Garbage collecting and ballast waste disposal; 5. Port Captain's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies; 8. Emergency repair facilities; and 9. Anchorage, berth and berthing services
C. Air Transport Services			
(a) Sale and marketing air products services as defined in paragraph 6(b) of the Annex on Air Transport Services of the World Trade Organization	(1). None (2) None (3) Unbound	(1) None (2) None (3) unbound	

Mode of delivery:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sectors and subsectors		Limitations on Market Access		Limitations on National Treatment	Additional Commitments
		(4) Unbound, except as indicated in the horizontal commitments		(4) Unbound, except as indicated in the horizontal commitments	
(b) Computer Reservation System (CRS) as defined in paragraph 6(c) of the Annex on Air Transport Services of the World Trade Organization		(1) None		(1) None	
(c) Maintenance and repair of aircraft as defined in paragraph 6(a) of the Annex on Air Transport Services of the World Trade Organization		(2) None		(2) None	
		(3) None		(3) None	
		(4) Unbound, except as indicated in the horizontal commitments		(4) Unbound, except as indicated in the horizontal commitments	
H. Services Auxiliary to all mode of transport					
(a) cargo handling services (CPC 741)		(1) None		(1) None	
(b) storage and warehouse services (CPC 742)		(2) None		(2) None	
(c) Freight transport agency services (CPC 7480)		(3) None		(3) None	
		(4) Unbound, except as indicated in the Horizontal commitments		(4) Unbound, except as indicated in the horizontal commitments	

LIST OF (MFN) EXEMPTIONS PURSUANT TO ARTICLE 4.5 OF THE SADC TRADE IN SERVICES PROTOCOL

Sector or sub-sector	Description of the measure indicating its inconsistency with Article II	Country or countries to which the measures apply	Intended duration	Conditions creating the need for the exemption
All sectors Commercial presence	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed or will sign bilateral investment treaties with Seychelles.	Indefinite	Foster investment in Seychelles.
Movement of natural persons	Measures extending preferential treatment to the movement of natural persons.	All countries that have signed or will sign such agreements with Seychelles.	Indefinite	To strengthen economic cooperation and enhance technical assistance between the Seychelles and countries which are signatories to these agreements.
Audiovisual services	Measures based upon co-production agreements, which confer national treatment to audiovisual works covered by such agreements	Countries with which bilateral or plurilateral agreements are in force, now or in the future, in the area of cultural co-operation	Indefinite.	Development of cultural links and protection of cultural heritage
Audiovisual services	Measures granting the benefit of support programmes to audiovisual works meeting certain origin criteria	Countries with which bilateral or plurilateral agreements are in force, now or in the future, in the area of cultural co-operation.	Indefinite	Development of cultural links and protection of cultural heritage
Audiovisual services	Measures which extend National Treatment to audio-visual works, including television and radio programs, which meet certain origin criteria, regarding access to broadcasting and other similar forms of transmission.	Countries with which bilateral or plurilateral agreements are in force, now or in the future, in the area of cultural co-operation.	Indefinite	Development of cultural links and protection of cultural heritage.

Group on Basic Telecommunications

Note by the Chairman

Revision

It has been suggested by a number of delegations that it might be helpful to produce a brief and simple note on assumptions applicable to the scheduling of commitments in basic telecoms. The purpose of the attached note is to assist delegations in ensuring the transparency of their commitments and to promote a better understanding of the meaning of commitments. This note is not intended to have or acquire any binding legal status.

NOTES FOR SCHEDULING BASIC TELECOM SERVICES COMMITMENTS

- 1.1. Unless otherwise noted in the sector column, any basic telecom service listed in the sector column:
 - a) encompasses local, long distance and international services for public and non-public use;
 - b) may be provided on a facilities-basis or by resale; and
 - c) (may be provided through any means of technology (e.g., cable¹², wireless, satellites).
- 1.2. Subsector (g) -- private leased circuits services -- involves the ability of service suppliers to sell or lease any type of network capacity for the supply of services listed in any other basic telecom service subsector unless otherwise noted in the sector column. This would include capacity via cable, satellite and wireless network.
- 1.3. In view of points 1 and 2 above, it should not be necessary to list cellular or mobile services as a separate subsector. However, a number of Members have done so, and a number of offers have commitments only in these subsectors. Therefore, in order to avoid extensive changes in schedules, it would seem appropriate for Members to maintain separate entries for these subsectors.

¹²Including all types of cable

WORLD TRADE ORGANIZATION

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Group on Basic Telecommunications

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CHAIRMAN'S NOTE

Market Access Limitations on Spectrum Availability

Many Members have entries in the market access column of their schedules indicating that commitments are "subject to availability of spectrum/frequency" or similar wording. In light of the physical nature of spectrum and the constraints inherent in its use, it is understandable that Members may have sought to rely on these words to adequately protect legitimate spectrum management policies. There is, however, doubt that words such as "subject to availability of spectrum/frequency" as listed in the market access column of many Members' schedules achieve that objective.

Spectrum/frequency management is not, per se, a measure which needs to be listed under Article XVI. Furthermore, under the GATS each Member has the right to exercise spectrum/frequency management, which may affect the number of services suppliers, provided that this is done in accordance with Article VI and other relevant provisions of the GATS. This includes the ability to allocate frequency bands taking into account existing and future needs. Also, Members which have made additional commitments in line with the Reference Paper on regulatory principles are bound by its paragraph 6.

Therefore, words such as "subject to availability of spectrum/frequency" are unnecessary and should be deleted from Members' schedule

ANNEX 2

BUILDING CONTRACTOR CLASS I

1. MAJOR CONSTRUCTION WORKS

- 1.1. Multi-storey residential building
- 1.2. Multi-storey non-residential office and administrative buildings
- 1.3. Multi-storey buildings for agriculture, industry, trade and commerce
- 1.4. Multi-storey institutional building
- 1.5. Multi-storey assembly buildings
- 1.6. Multi-storey hotels and other tourist development
- 1.7. Full renovation works of existing multi-storey buildings, dwelling houses, offices, shops, stores, Tec. extension and expansion, alteration including provision of extra rooms i.e. toilets, bathrooms, kitchen, bedrooms etc.
- 1.8. Major (international Tendering) Civil Engineering/Building Projects

2. ADVANCED CONSTRUCTION WORKS

- 2.1. Dwelling houses exceeding 93sqm (1000sq.ft.) in area including split-level houses, double-storey houses, duplex houses, semi-detached houses, row-houses, terrace houses

3. INTERMEDIATE CONSTRUCTION WORKS

- 3.1. Single-storey dwelling houses not exceeding 93sqm in (1000 sq.ft) in area ("permitted Development" houses)
- 3.2. Sundry environmental landscaping works (no height restrictions) i.e. gates, fences, fence walls, parapet walls, retaining walls etc.