



SADC Negotiations on Trade in Services

List of Commitments by South Africa

South Africa submits herewith a list of commitments in communication, financial, tourism and transport services, in the framework of the SADC Protocol on Trade in Services. The commitments contained herein are only applicable to those state parties whose offers have been adopted as contemplated in Article 16:5 of the SADC Protocol on Trade in Services.

The classification of services sectors in this initial offer is based on the 1991 Provisional Central Product Classification (CPC) of the United Nations Statistical Office where specified. The ordering is based on the Services Sectoral Classification list contained in the document MTN.GNS/W/120 dated 10 July 1991.

Mode 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
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>	
	<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>			

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	<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>			

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	<p>Professionals - natural persons who are engaged, as part of a services contract negotiated by a juridical person of another Member State 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				
2. COMMUNICATION SERVICES				
B. Courier Services (CPC 7512)	<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>		

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C. Telecommunication Services				
Facilities based and public-switched telecommunications service ¹ s: 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) None 2) None 3) Two licences available Foreign investment in suppliers is 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.	
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) l. Enhanced/value-added facsimile services, including store and forward, store and retrieve (CPC 7523) m. Code and protocol conversion	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 The commitment includes resale services

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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	1) None 2) None 3) Foreign investment in suppliers is 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.	
- Mobile Cellular, including mobile data	1) None. 2) None 3) Three licences are available Foreign investment in suppliers is 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.	
- Satellite-based services	1) None 2) None 3) Two licenses are available 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.	

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7. FINANCIAL SERVICES				
A. All Insurance and Insurance Related Services				
Headnote: Mode 3				
<ul style="list-style-type: none"> - The acquisition of shares or any other interest (by a resident or non-resident) in a registered South African insurer resulting in the holding of 25% or more of all the shares or other interest in that business, requires the written approval of the Regulatory Authority. - The public officer and the majority of directors must be resident in South Africa. - The Statutory Actuary² of a life insurer must be resident in South Africa. 				
(a) Direct life insurance (CPC 8121 ⁺)	1) Unbound		1) Unbound	
(b) Direct non-life insurance (CPC 8129 ⁺)	2) None		2) None	
(d) Insurance intermediation and auxiliary services (CPC 8140)	3) All insurers (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.		3) None	
	4) Unbound, except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section	
(c) Reinsurance (CPC 81299 +)	1) None		1) Unbound	
	2) None		2) None	
	3) Re-insurers must be locally incorporated		3) None	
	4) Unbound, except as indicated in the horizontal section		4) Unbound, except as indicated in the horizontal section.	
B. Banking and Other Financial Services				

²The Statutory Actuary of a life insurer is an individual appointed by the insurer and approved by the regulator. The statutory actuary is assigned specific duties in legislation

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a) Accepting of deposits and other repayable funds from the public (CPC 81115 to 81119) (b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transactions (CPC 8113) (c) Financial Leasing (CPC 8112) (d) All payments and money transmission services, including credit, charge and debit cards, travellers' cheques and bank drafts (CPC 81339 +) (e) Guarantees and commitments (CPC 81199 +) (f) Trading for own account or for account of customers the following: (i) Money markets instruments (CPC 81339+) (ii) Foreign exchange (CPC 81333) (iii) Derivative products (CPC 81339+) (iv) Exchange rate and interest rate instruments (v) Transferable securities (CPC 81321+) (vi) Other negotiable instruments (CPC 81339+)	1) Unbound, except for asset management, collective investment schemes and advisory services. 2) Unbound, except for asset management, collective investment schemes, advisory services provision and transfer of financial information and financial data processing 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. Custodial services for securities and financial instruments (including equities and bonds) need to be incorporated as public companies in South Africa. Trading for the account of customers on a licensed exchange, other than derivative products, requires separately capitalised incorporation in South Africa as a public or private company. Trading for the account of customers in derivative products on a licensed exchange requires local incorporation		1) Unbound 2) Unbound 3) None, 4) Unbound, except as indicated in the horizontal section.	

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g) Participation in issues of all kinds of securities, including underwriting and placement as an agent (CPC 8132 +) (h) Money broking (CPC 81339 +) (i) Asset management, such as cash or portfolio management, all forms of collective investment management, custodial depository and trust services (CPC 8119 + and 81323 +) (j) Settlement and clearing services (k) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131+) (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+)	4) Unbound, except as indicated in the horizontal section			
9. TOURISM AND TRAVEL RELATED SERVICES				
A. Hotels and Restaurants (including catering) (CPC 641) (CPC 642)	1) None 2) None		1) None 2) None	
B. Travel Agencies and Tour Operators Services (CPC 7471)	3) None		3) None	

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C. Tourist Guide Services(CPC 7472)	4) Unbound except as indicated in the horizontal section		4) Unbound except as indicated in the horizontal section	
11. TRANSPORT SERVICES				
A. Maritime Transport Services				
a. Passenger transportation (CPC 7211)	1) Unbound		1) Unbound	
b. Freight transportation (CPC 7212)	2) None		2) None	
c. Rental of vessels with crew (CPC 7213)	3) Unbound		3) Unbound	
d. Maintenance and repair of vessels (CPC 8868**)	4) Unbound		4) Unbound	
e. Pushing and towing services (CPC 7214)				
f. Supporting services for maritime transport (CPC 745)				
B. Internal Waterways Transport				
a. Passenger transportation (CPC 7221)	1) Unbound		1) Unbound	
b. Freight transportation (CPC 7222)	2) None		2) None	
c. Rental of vessels with crew (CPC 7223)	3) Unbound		3) Unbound	
d. Maintenance and repair of vessels (CPC 8868**)	4) Unbound		4) Unbound	
e. Pushing and towing services (CPC 7224)				
f. Supporting services for internal waterway transport (CPC 745**)				

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C. Air Transport Service				
a. Maintenance and repair of aircraft as defined in the GATS annex on air transport services	1) None 2) None 3) Subject to equity limitations of 49% for operations in SA and 25% for operations from SA to third parties. 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. Selling and marketing of air transport services	1) Unbound 2) Unbound 3) Subject to equity limitations of 49% for operations in SA and 25% for operations from SA to third parties. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None 4) Unbound		
c. Computer reservation services	1) Unbound 2) Unbound 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound		
D. Space Transport (CPC 733)	1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound		

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E. Rail Transport Services				
a. Passenger transportation (CPC 7111)	1) Unbound		1) Unbound	
b. Freight transportation (CPC 7112)	2) None		2) None	
c. Pushing and towing services (CPC 7113)	3) Unbound		3) Unbound	
d. Maintenance and repair of rail transport equipment (CPC 8868**)	4) Unbound		4) Unbound	
e. Supporting services for rail transport services (CPC 743)				
F. Road Transport Services				
a. Passenger transportation (CPC 7121) and (CPC 7122)	1) Unbound		1) Unbound	
b. Freight transportation (CPC 7123)	2) None		2) None	
d. Maintenance and repair of road transport equipment (CPC 6112)	3) None		3) None	
	4) Unbound except as indicated in the horizontal section.		4) Unbound except as indicated in the horizontal section.	
c. Rental of commercial vehicles with operator (CPC 7124)	1. Unbound		1. Unbound	
e. Supporting services for road transport services (CPC 744)	2) None		2) None	
	3) Unbound		3) Unbound	
	4) Unbound		4) Unbound	
G. Pipeline Transport				
a. Transportation of fuels (CPC 7131)	1) Unbound		1) Unbound	
b. Transportation of other goods (CPC 7139)	2) None		2) None	
	3) Unbound		3) Unbound	
	4) Unbound		4) Unbound	

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H. Services auxiliary to all modes of transport				
a. Cargo-handling services (CPC 741)	1) Unbound		1) Unbound	
b. Storage and warehouse services (CPC 742)	2) None		2) None	
c. Freight transport agency services (CPC 748)	3) Unbound		3) Unbound	
	4) Unbound		4) Unbound	

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

