

ORGANISATION MONDIALE DU COMMERCE

S/DCS/W/MAC
24 janvier 2003

(03-0477)

Commerce des services

Original: anglais

MACAO, CHINE

Projet de version codifiée de la Liste d'engagements spécifiques¹

On trouvera ci-joint un projet de version codifiée de la Liste d'engagements spécifiques de Macao, Chine en format Word. Ce document ne remplace pas les engagements juridiquement contraignants souscrits par Macao, Chine dans sa Liste d'engagements spécifiques (GATS/SC/50; GATS/SC/50/Suppl.1).

Le projet de version codifiée de la Liste a été établi par le Secrétariat, à la demande des Membres, pour faciliter le processus de négociation, y compris la présentation des offres initiales.

¹ Le présent document a été établi, en anglais seulement, par le Secrétariat sous sa propre responsabilité et sans préjudice des positions des Membres ni de leurs obligations dans le cadre de l'OMC.

MACAO, CHINA – 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
1. BUSINESS SERVICES			
E. <u>Rental/Leasing Services without Operators</u>			
(c) Related to other transport equipment (CPC 83101 + 83102 + 83105)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
7. FINANCIAL SERVICES			
A. <u>All Insurance and Insurance-related Services</u>			
(a) Life, accident and health insurance services; and (b) Non-life insurance services.	1) Unbound 2) None other than compulsory insurances, like third party liability in respect of vehicles and publicity and propaganda materials, employer's liability in respect of employees, professional liability of travel agents, etc., must be purchased from insurers authorised to operate in Macau. 3) None other than under the Macau Insurance Companies Ordinance only a corporate entity is permitted to conduct insurance business in Macau, after obtaining the necessary licence. Commercial presence may be in the form of a locally incorporated subsidiary, branch or representative office. However, a representative office is not permitted to carry on insurance business. 4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market.	1) None 2) None 3) None other than the general-manager of the branch of an insurer incorporated overseas must be resident in Macau. 4) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Reinsurance and retrocession.	1) None 2) None 3) None other than under the Macau Insurance Companies Ordinance only a corporate entity is permitted to conduct reinsurance business in Macau. Commercial presence of reinsurers may be in the form of a locally incorporated subsidiary, branch or representative office. However, a representative office is not permitted to retain any portion of reinsurance premiums. 4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market.	1) None 2) None 3) None other than the general-manager of the authorised reinsurer has to be resident in Macau. 4) None	
(d) Services auxiliary to insurance (including broking and agency services).	1) None, other than insurance intermediaries (brokers, agents and salesmen) need to obtain licence prior to commencement of business. 2) None 3) None other than only a company can be permitted to act as a broker or a corporate agent. 4) None in relation to consultancy services, loss adjusters and other services which do not involve the selling of insurance or carrying on of insurance intermediary business. Unbound for other services in this subsector.	1) None other than individuals (agents and salesmen) must be residents in Macau. 2) None 3) None other than the general-manager or representative of an overseas broker firm or of the corporate agent must be resident in Macau. 4) None	
B. <u>Banking and Other Financial Services</u> (excluding insurance)			
(a) Acceptance of deposits and other repayable funds from the public.	1) Unbound 2) None	1) None 2) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) None other than that commercial presence must take the form of branch or subsidiary, duly authorised to carry on the activities of a banking institution.</p> <p>Under the present Financial System Act of Macau, banks incorporated overseas may apply for a license to operate a full-licence or offshore licence branch or subsidiary.</p> <p>The present main authorization criterion is:</p> <ul style="list-style-type: none"> - Adequacy of the objectives of the applicant with the economic and financial policies pursued by the local government. <p>A full-licence branch or subsidiary may apply for authorization to open sub-branches or branches and to install ATMs.</p> <p>Other than branch or subsidiary, a bank incorporated overseas may apply for a authorization to open a representative office. Such office is prohibited from taking deposits or from undertaking any kind of banking business.</p> <p>4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market.</p>	<p>3) None other than: a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; b) a subsidiary of a bank incorporated overseas authorised under the Financial System Act must have at least 3 directors, two of whom must be residents in Macau.</p> <p>4) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Lending of all types, including inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction.	1) Unbound 2) None 3) None other than that commercial presence must take the form of an authorised credit institution. 4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market.	1) None 2) None 3) None other than: a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; b) a subsidiary of a bank incorporated overseas authorised under the Financial System Act must have at least 3 directors, two of whom must be residents in Macau. 4) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Financial leasing.	1) Unbound 2) None 3) None other than that commercial presence must take the form of an authorised credit institution, or a locally incorporated financial leasing company.	1) None 2) None 3) None other than: a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; b) a subsidiary of a bank incorporated overseas or a financial leasing company authorised under Financial System Act must have at least 3 directors, two of whom must be residents in Macau..	
(d) All payment and money transmission services.	4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market. 1) Unbound 2) None 3) None other than that commercial presence must take the form of: a) an authorised branch of a bank incorporated overseas or locally incorporated bank; b) an authorised locally incorporated cash remittance company.	4) None 1) None 2) None 3) None other than: a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; b) a subsidiary of a bank incorporated overseas authorised under the FSA must have at least 3 directors, two of whom must be residents in Macau; c) a locally incorporated cash remittance company authorised under the FSA must have one general-manager resident in Macau.	
	4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market.	4) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Guarantees and commitments.	1) None 2) None 3) None other than that commercial presence must take the form of a branch or subsidiary, duly authorised to carry on the activities of a credit institution. 4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market.	1) None 2) None 3) None other than: a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; b) a subsidiary of a bank incorporated overseas authorised under the FSA must have at least 3 directors, two of whom must be residents in Macau; 4) None	
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - Money market instruments (cheques, bills, certificates of deposits, etc.). (CPC 81339**) - Foreign exchange. (CPC 81333) - Derivative products, including but not limited to, futures and options. (CPC (81339**)) - Exchange rate and interest rate instruments, including products such as swaps, forward rate agreements, etc. (CPC 81339**)	1) Unbound 2) None 3) None other than that commercial presence must take the form of a branch or subsidiary, duly authorised to carry on the activities of a credit institution.	1) None 2) None 3) None other than: (a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; (b) a subsidiary of a bank incorporated overseas authorised under the FSA must have at least 3 directors, two of whom must be residents in Macau;	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> - Transferable securities. (CPC 81321**) - Other negotiable instruments and financial assets, including bullion. (CPC 81339**) 	4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market.	4) None	
(g) Participation in issues of all kinds of securities, including under-writing and placement as agent (whether of service related to such issues publicly or privately) and provision of services related to such issues.	1) None 2) None 3) None other than that commercial presence must take the form of a branch or subsidiary, duly authorised to carry on the activities of a credit institution.	1) None 2) None 3) None other than: (a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; (b) a subsidiary of a bank incorporated overseas authorised under the FSA must have at least 3 directors, two of whom must be residents in Macau;	
(h) Money broking.	4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market. 1) None 2) None 3) None other than that commercial presence must take the form of a branch or subsidiary, duly authorised to carry on the activities of a credit institution.	4) None 1) None 2) None 3) None other than: a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; b) a subsidiary of a bank incorporated overseas authorised under the FSA must have at least 3 directors, two of whom must be residents in Macau;	
	4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market.	4) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services.	1) Unbound 2) None 3) None other than that commercial presence must take the form of a branch or subsidiary, duly authorised to carry out the activities of a credit institution. 4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market.	1) None 2) None 3) None other than: a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; b) a subsidiary of a bank incorporated overseas authorised under the FSA must have at least 3 directors, two of whom must be residents in Macau; 4) None	
(j) Settlement and clearing services for financial assets, including securities, derivatives products, and other negotiable instruments.	1) Unbound 2) None 3) None other than that commercial presence must take the form of a branch or subsidiary, duly authorised to carry out the activities of a credit institution.	1) None 2) None 3) None other than: a) a bank incorporated overseas authorised under the Financial System Act to open a branch must appoint a chief executive officer and at least one alternate CEO, each of whom must be resident in Macau; b) a subsidiary of a bank incorporated overseas authorised under the FSA must have at least 3 directors, two of whom must be residents in Macau;	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(k) Advisory and other auxiliary financial services on all the activities listed in 5(a) subparagraphs (v) to (xv), of the Annex on Financial Services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	4) Unbound except for transfer of CEO, alternate CEO, directors, specialists and other staff who are not available in the local labour market. 1) None 2) None 3) None 4) None	4) None 1) None 2) None 3) None 4) None	
(l) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services.	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and Restaurants</u> (excluding catering) (CPC 641-643, ex. 64230)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
B. <u>Travel Agencies and Tour Operator Services</u> (CPC 7471)	1) Unbound 2) None 3) Branches and subsidiaries are not allowed 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	