

# ORGANISATION MONDIALE DU COMMERCE

S/DCS/W/MLT  
24 janvier 2003

(03-0482)

---

Commerce des services

Original: anglais

## MALTE

### Projet de version codifiée de la Liste d'engagements spécifiques<sup>1</sup>

On trouvera ci-joint un projet de version codifiée de la Liste d'engagements spécifiques de Malte en format Word. Ce document ne remplace pas les engagements juridiquement contraignants souscrits par Malte dans sa Liste d'engagements spécifiques (GATS/SC/54; GATS/SC/54/Suppl.1).

Est joint au projet de liste codifiée la Liste d'exemptions de l'article II (NPF) de Malte (GATS/EL/54) en format Word.

Le projet de version codifiée de la Liste et la Liste d'exemptions de l'obligation NPF ont été établis par le Secrétariat, à la demande des Membres, pour faciliter le processus de négociation, y compris la présentation des offres initiales.

---

<sup>1</sup> 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 droits et obligations dans le cadre de l'OMC.

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
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) In terms of the Section 17 of the Exchange Control Act, non-residents of Malta, wishing to supply any service through Commercial Presence in Malta, may do so only by registering a local company with the prior permission of the Central Bank of Malta</p> <p>4) The requirements of Maltese legislation and regulations regarding entry, stay, acquisition of real property, work and social security measures shall continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements. Entry, work and residence permits are granted at the discretion of the Government of Malta.</p>	<p>3) Companies with the participation of non-resident legal or natural persons require a minimum share capital of Maltese Liri 10,000 of which 50% has to be paid up</p> <p>The non-resident percentage of the equity is to be paid for with funds emanating from abroad</p>	

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
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
7. FINANCIAL SERVICES			
<p>1. For mode 3) commitments, under exchange control legislation non-residents wishing to supply any services through the registration of a local company may do so with the prior permission of the Central Bank of Malta. Companies with the participation of non-residents legal or natural persons require a minimum share capital of 10,000 Maltese Liri of which 50% has to be paid up. The non-resident percentage share of the equity is to be paid for with funds emanating from abroad. Companies with non-resident participation must apply for a permit from the Ministry of Finance to acquire premises under the appropriate legislation.</p> <p>2. For mode 4) commitments, the requirements of Maltese legislation and regulations regarding entry, stay, acquisition of real property, work and social security measures shall continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements. Entry, work and residence permits are granted at the discretion of the Government of Malta.</p> <p>3. For modes 1) and 2) commitments, exchange control legislation allows a resident to transfer abroad annually for portfolio investment up to Lm 5,000. Amounts in excess of Lm 5,000 are subject to exchange control permission.</p> <p>4. Residents may borrow from overseas without the need to obtain exchange control approval if the borrowing is for a period exceeding three years. Such borrowings have however to be registered with the Central Bank.</p>			
A. <u>Insurance Services</u>			
(a) Life, accident and health insurance services	1) No limitation on marine, aviation and transport insurance and reinsurance.	1) None	
(b) Non-life insurance services including fire, marine, transport and aviation, motor vehicle	2) None 3) May be made subject to economic needs test. 4) Unbound, except as indicated in horizontal section.	2) None 3) None 4) Unbound, except as indicated in horizontal section.	
(c) Reinsurance and retrocession			
(d) Services auxiliary to insurance including brokerage and agency services	1) Unbound except for brokerage 2) Unbound 3) May be made subject to economic needs test. 4) Unbound, except as indicated in horizontal section.	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in horizontal section.	

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
B. <u>Banking and Other Financial Services</u>			
(a) Acceptance of deposits and other repayable funds from the public	1) None 2) None 3) Foreign-owned credit and other financial institutions may operate either in the form of a branch or a local subsidiary. Authorization may be made subject to economic needs test.	1) None 2) None 3) None	
(b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transactions	4) Unbound, except as indicated in horizontal section.	4) Unbound, except as indicated in horizontal section.	
1. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	1) Unbound, except for the provision of financial information by international providers. 2) Unbound, except for the provision of financial information by international providers. 3) Unbound 4) Unbound, except as indicated in horizontal section.	1) Unbound, except for the provision of financial information by international providers. 2) Unbound, except for the provision of financial information by international providers. 3) None 4) Unbound, except as indicated in horizontal section.	
9. TOURISM AND TRAVEL RELATED SERVICES			
Travel Agency, Tour Operation Services and Hotel Operation Services (CPC 7471, 641-643)	1) Unbound 2) None 3) None other than the limitations indicated in horizontal measures 4) Unbound	1) Unbound 2) None 3) None 4) None	

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
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u>			
Passenger and Freight	1) None	1) None	
	2) None	2) None	
	3) None except those indicated in the horizontal measures	3) None	
(CPC 7211 and 7212, less cabotage transport)	4) Unbound	4) None	

## MALTA – FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All sectors	Preferential treatment in the granting of licences and permits to provide services in or to Malta may be given to residents of Member States of the European Union	European Union countries	Indefinite	To ease the process of the integration of the economy of Malta with those of the Member States of the European Union