

ORGANISATION MONDIALE DU COMMERCE

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Commerce des services

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TRINITÉ-ET-TOBAGO

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 Trinité-et-Tobago en format Word. Ce document ne remplace pas les engagements juridiquement contraignants souscrits par Trinité-et-Tobago dans sa Liste d'engagements spécifiques (GATS/SC/86; GATS/SC/86/Suppl.1).

Est joint au projet de liste codifiée la Liste d'exemptions de l'article II (NPF) de Trinité-et-Tobago (GATS/EL/86) 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.

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 droits et obligations dans le cadre de l'OMC.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
All sectors included in this schedule	<p>3) A licence is required for the acquisition of land, the area of which exceeds five acres for trade or business or one acre for residential purposes.</p> <p>A licence is required for the acquisition of shares in a local public company where the holding of such shares either directly or indirectly results in 30 per cent or more of the total cumulative shareholding of the company being held by foreign investors.</p> <p>A foreign investor wishing to invest in Trinidad and Tobago must register with the Registrar of Companies.</p> <p>4) The entry and residence of foreign natural persons is subject to Trinidad and Tobago's Immigration Laws.</p> <p>The employment of foreign natural persons in excess of thirty days is subject to the obtention of a work permit, which is granted on a base-by-case basis. Foreign natural persons shall be employed only as managers, executives, specialists and experts.</p>	<p>3) None</p> <p>4) None</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
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
(a) Legal Services Consultancy in International Law (CPC 86119)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Patent Agents (CPC 8921)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. <u>Computer and Related Services</u>			
(b) Software Development (CPC 8421)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Information services e.g. drafting and engineering services, digitizing and vectoring, data entry, remote telemarketing (CPC 843)	1) None 2) None 3) None 4) None	1) None 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
C. <u>Research and Development Services</u>			
(a) R & D in Natural Sciences (CPC 851)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
(b) R & D Social Sciences (CPC 852)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
F. <u>Other Business Services</u>			
International Marketing (CPC 86503)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
2. COMMUNICATION SERVICES			
C <u>Telecommunication Services</u>			
<u>For Public use:</u>			See attached additional commitments on regulatory disciplines.
(a) Voice telephone services (CPC 7521)	1) Until 2010 bypass of the network of exclusive public operator not permitted. None as of 2010	1) None	
(b) Packet-switched data transmission services (CPC 7523**)	2) None 3) Reserved to exclusive supply until 2010. None as of 2010	2) None 3) None	
(c) Circuit-switched data transmission services (CPC 7523**)	4) 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
(d) Telex services (CPC 7523**)			
(e) Telegraph services (CPC 7522)			
(g) Private-leased circuit services (CPC 7522**, 7523**, 7525)			
(j) On-line information and data base retrieval (CPC 7523**)	1) Until 2010 bypass of the network of exclusive public operator not permitted. None as of 2010	1) None	
(k) Electronic data interchange (CPC 7523**)	2) None	2) None	
(l) Enhanced/value-added facsimile services, incl. store and forward , store and retrieve (CPC 7523**)	3) Until 2010, only on network facilities supplied by the exclusive public operator. None as of 2010	3) None	
(m) Code and Protocol conversion	4) None	4) None	
(n) On-line information and/or data processing (incl. transaction processing) (CPC 843**)			
(o) other Internet and Internet access services (CPC 75260)	1) Unconfirmed, to be negotiated with exclusive provider.	1) None	
	2) None	2) None	
	3) Unconfirmed, to be negotiated with exclusive provider.	3) None	
	4) 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
<u>For non-public use:</u> Mobile services (satellite-based) - Mobile telephone services - Mobile data services - Personal communications services Fixed satellite services Trunked radio system services Teleconferencing services (CPC 75292)	1) Unconfirmed, to be negotiated with exclusive provider. 2) None 3) Until 2000 only on satellite network capacity supplied by the exclusive public operator. None as of 2010 4) None 1) None 2) None 3) None 4) None 1) Unconfirmed, to be negotiated with exclusive provider. 2) None 3) Unconfirmed, to be negotiated with exclusive provider. 4) None	1) None 2) None 3) None 4) None 1) None 2) None 3) None 4) None 1) None 2) None 3) None 4) None	
<u>For Public use:</u> Mobile services (terrestrial based) - Cellular/mobile /telephone services - Mobile data services - Personal communications services - Paging (CPC 75291)	1) Unconfirmed, to be negotiated with exclusive provider. 2) None 3) None 4) None	1) None 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
For Public use:	1) None	1) None	
Mobile services (satellite based)	2) None	2) None	
- Mobile telephone services	3) None	3) None	
- Mobile data services	4) None	4) None	
- Personal communications services			
Fixed satellite services (incl. But not limited to CPC 7524**)			
Telecommunications equipment sales, rental, maintenance, connection, repair and consulting services (CPC 75410, 75450)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
5. EDUCATIONAL SERVICES			
Specialist Teachers (CPC 9290)	1) None 2) None 3) Unbound 4) None (Registration and Certification requirements)	1) None 2) None 3) Unbound 4) None	
Lecturers (Tertiary Level) (CPC 9239)	1) None 2) None 3) Unbound 4) None (Registration and Certification requirements)	1) None 2) None 3) Unbound 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
7. FINANCIAL SERVICES			
A. <u>Insurance</u>			
(c) Reinsurance (CPC 81299)	1) None 2) None 3) None (Registration and Certification requirements) 4) None	1) None 2) None 3) None 4) None	
8. <u>HEALTH - RELATED SERVICES</u>			
A. <u>Hospital Services</u> (CPC 9311)	1) None 2) None 3) Unbound 4) None (Registration and Certification)	1) None 2) None 3) Unbound 4) None	
Dental Services (CPC 9312)	1) None 2) None 3) Unbound 4) None (Registration and Certification)	1) None 2) None 3) Unbound 4) None	
Veterinarian Services (CPC 932)	1) None 2) None 3) Unbound 4) None (Registration and Certification)	1) None 2) None 3) Unbound 4) None	
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel and Resort Development (Construction) (CPC 51206)	1) None 2) None 3) None 4) None	1) None 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
Hotel Management (CPC 6411)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. <u>Tour Operators</u> (CPC 7471)	1) None 2) None 3) In-bound passengers only 4) None	1) None 2) None 3) In-bound passengers only 4) None	
10. RECREATIONAL, CULTURAL & SPORTING SERVICES			
A. <u>Entertainment services</u> (CPC 9619)	1) None 2) None 3) Unbound 4) None	1) None 2) None 3) Unbound 4) None	
D. <u>Sporting and other recreational services</u> (CPC 964)	1) None 2) None 3) Unbound 4) None	1) None 2) None 3) Unbound 4) None	
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u>			
Ship surveys (CPC 745)	1) Unbound 2) Unbound 3) None 4) None (Registration and Certification)	1) Unbound 2) Unbound 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
Dry Docking/Ship repairs; boat building and ship management/freight and transportation (CPC 8868)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Navigation Aid and Communications/ Meteorologic Services (for Maritime Purposes) (CPC 7453)	1) None 2) None 3) None 4) None (Registration and Certification)	1) None 2) None 3) None 4) None	

ANNEX
ADDITIONAL COMMITMENTS ON BASIC TELECOMMUNICATIONS SERVICES

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network of service that:

- (a) are exclusively predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be introduced for the purpose of preventing suppliers, who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results;
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates of a quality no less favourable than that provided for its own like services or for like services of non-affiliated services suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates, that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbounded so that the supplier need not pay for network components or facilities that it does not require for the service to be provided;
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured, that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence;
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any private supplier of basic telecommunications services. The decision of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

TRINIDAD AND TOBAGO – 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
Maritime Transport	Cargo reservations under the UN Code of Conduct on Liner Conferences	Signatories to the Code	Unlimited	Trinidad and Tobago is a party to the Code
All sectors	Bilateral investment promotion and protection treaties	Co-signatories to existing and future treaties	Unlimited	Privileges accorded to signatories only