

WORLD TRADE ORGANIZATION

RESTRICTED

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**Council for Trade in Services
Special Session**

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URUGUAY

Initial Offer

The following initial offer was received from the Delegation of Uruguay on 31 March 2003 with the request that it be circulated to members of the Council for Trade in Services.

Notes:

1. This initial offer is not a legal text and is submitted solely for the purpose of negotiation in the context of paragraphs 47 and 49 of the Doha Ministerial Declaration, especially in light of the need to achieve an overall balance in the outcome of all the negotiations in the World Trade Organization (WTO). It is therefore conditional upon such a balance, meaning that Uruguay reserves the right to modify and/or withdraw this initial offer during the course of the negotiations.
2. As regards issues relating to domestic regulation and GATS rules, Uruguay prioritizes the negotiation of horizontal disciplines in the framework of paragraph 7 of the Guidelines and Procedures for the Negotiations (S/L/93).
3. Considering the proposal on postal services presented by MERCOSUR and Bolivia (S/CSS/W/108 of 26 September 2001) and the ongoing discussions on classification of this subsector, Uruguay reserves the right to modify its initial offer in this respect during the course of the negotiations.
4. Uruguay is in the process of ratifying the Fifth Protocol to the GATS relating to financial services, and the corresponding commitments will be included in the offer upon completion of the ratification process.

URUGUAY – INITIAL OFFER OF SPECIFIC COMMITMENTS
(see Notes on previous page)

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(4) Unbound, except for measures affecting the entry and temporary stay of natural persons in the following categories:</p> <p>(a) Managers: Persons within an enterprise or organization who primarily direct the organization, whether department or subdivision of the organization. They supervise and control the work of other supervisory, professional or managerial employees. They have the authority to hire and fire or recommend hiring/firing or other personnel actions (such as promotion or leave authorization). They exercise discretionary authority over day-to-day operations. This term does not include first line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the production of the service.</p>	(4) Unbound, except for measures concerning categories of natural persons indicated in the column on market access	

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	<p>(b) Executives: Persons within an organization who primarily direct the management of the organization. They exercise wide latitude in decision making and receive only general supervision or direction from higher level executives, the board of directors or stock holders. Executives would not directly perform tasks related to the provision of the service or services of the organization.</p> <p>(c) Specialists: Persons within an enterprise or organization who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organization's service, research equipment or management.</p>		
II. SECTOR-SPECIFIC COMMITMENTS			
<p>1. BUSINESS SERVICES</p> <p>B. <u>Computer and related services</u></p> <p>(a) Consultancy services related to the installation of computer hardware (841)</p>	<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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(b) Software implementation services (842)	(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	
(c) Data processing services (843)	(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	
(d) Database services (844)	(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	
(e) Other (849)	(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	
D. <u>Real estate services</u>			
(a) Involving own or leased property (8210)	(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	

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(b) On a fee or contract basis (8220)	(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	
E. <u>Rental/leasing services without operators</u> (831)			
(a) Relating to private cars without operator (83101 + 83102)	(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	
(b) Relating to other machinery and equipment without operator (83106 + 83109)	(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	
(c) Other (832) (83201, 83203, 83204 & 83209)	(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	

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F. <u>Other business services</u>			
(a) Advertising services (871)	(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	
(b) Market research and public opinion polling services (864)	(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	
(c) Management consulting services (8650)	(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	
(d) Services related to management consulting (866)	(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	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
(k) Placement and supply services of personnel (872)	(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	
(o) Building-cleaning services (874)	(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	
(p) Portrait photography services (87501)	(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	
(p) Advertising and related photography services (87502)	(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	
(p) Action photograph services (87503)	(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	
(p) Photography processing services (87505)	(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	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
(p) Restoration, copying and retouching services of photography (87507)	(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	
(p) Other photographic services (87509)	(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	
(q) Packaging services (876)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(s) Convention services (87909*)	(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	
(t) Other business services (8790)	(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	
(t1) Translation and interpretation services (87905)	(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	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
(t2) Interior design services (87907)	(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	
2. COMMUNICATION SERVICES			
B. <u>Courier services</u> Private mail and courier services	(1), (3) The National Post Office Communication Services Regulatory Unit (URSEC) grants operating licences of a precarious character which lapse at the end of three years unless prior to its lapse the licence-holding enterprise indicates its intention to renew it. (2) 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	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>7. FINANCIAL SERVICES</p> <p>B. <u>Banking and other financial services</u> (excluding insurance)</p> <p>(a) Acceptance of deposits and other repayable funds from the public (81115-81119)</p>	<p>(1), (2) None</p> <p>(3) For banks, commercial presence is subject to the following quantitative limit: "in any one year the number of authorizations for new banks to operate may not exceed 10 per cent (ten per cent) of the banks existing in the year immediately preceding. This provision applies exclusively to those institutions which are defined by the law as banks and does not affect other financial intermediation enterprises.</p> <p>Financial intermediation enterprises comprise: banks, financial intermediation co-operatives, finance houses, off-shore financial institutions, consortium managers, and investment banks. The banks carry out all types of financial operations and, jointly with the financial intermediation co-operatives, are the only ones authorized:</p> <p>(a) to accept current account deposits and allow them to be drawn on against cheques;</p> <p>(b) to accept demand deposits;</p> <p>(c) to accept term deposits from residents.</p>	<p>(1), (2) None</p> <p>(3) None</p>	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>The finance houses may carry out all financial intermediation activities, except those restricted to the banks and co-operatives, drawing their resources exclusively from non-residents.</p> <p>The off-shore financial institutions operate exclusively with non-residents.</p> <p>The consortium management firms are those which organize or manage groups, associations or consortia whose members contribute funds to be applied, mutually or jointly, for the purchase of particular goods or services.</p> <p>The investment banks may only accept deposits from and extend loans to non-residents for terms of more than one year; issue negotiable bonds or debentures; finance the issue of or place securities, bonds, debentures, stocks and shares on behalf of non-financial enterprises; acquire shares or capital interests in enterprises for the purpose of launching investment projects or reorganization, development or conversion schemes; accept and place bills linked with those enterprises and carry out bank giro operations with them (except for accepting current account deposits); medium and long-term credits and loans; arrange bonds, references, guarantees and security; do trust and commission business and advise on investments and business administration.</p>		

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
(c) Financial leasing with purchase option (8112)	(1), (2) None (3) Limitation as (a) acceptance of deposits (4) Unbound, except as indicated in the horizontal section	(1), (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(k) Advisory and other auxiliary financial services on all the activities listed in Article 1B of MTN.TNC/W/50, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (8131 and 8133)	(1), (2) None (3) Limitation as (a) acceptance of deposits (4) Unbound, except as indicated in the horizontal section	(1), (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and restaurants</u> (including caterer services providing meals from outside) (641-643)	(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	
B. <u>Travel agencies and tour-operator services</u> (74710)	(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	
C. <u>Tourist guide services</u> (74720)	(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	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)			
A. <u>Entertainment services</u> (including theatre, live bands and circus services)	(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	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
11. TRANSPORT SERVICES H. <u>Services auxiliary to all modes of transport</u> (b) Storage and warehouse services (742) (except the regime of fiscal storage or warehousing)	(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	

URUGUAY - 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
<u>Land transport</u> (cross-border supply)	The International Land Transport Convention, signed by Uruguay, provides for national treatment for authorized suppliers or signatories in respect of international transport of passengers and freight.	Member countries: Argentina, Bolivia, Brazil, Chile, Paraguay, Peru and Uruguay.	Indefinite	The purpose of the Convention is to facilitate transport among neighbouring countries within the "Southern Cone" on the basis of reciprocal treatment for suppliers of these services.
Bilateral investment promotion and protection agreements	The provisions of such agreements guarantee investors from the other contracting party freedom to transfer and invest capital and any other sum related to investments. They also guarantee investors against the non-commercial risks to which their investments are exposed.	Countries with which Uruguay has investment promotion and protection agreements.	Indefinite	Bilateral agreements to provide improved conditions of legal security for the investment of foreign capital in Uruguay.