

GENERAL AGREEMENT
ON TRADE IN SERVICES

GATS/SC/61
15 April 1994
(94-1058)

FRANCE IN RESPECT OF NEW CALEDONIA

Schedule of Specific Commitments

(This is authentic in French only)

This schedule applies only to France in respect of New Caledonia. In accordance with Articles 72 and 74 of the French Constitution, this territory is one of the collectivités territoriales of the French Republic. Its status results from Law No. 88-1028 of 9 November 1988. It includes New Caledonia or Grande-Terre, the île des Pins, the Belep, Huon and Surprise archipelago, the Chesterfield islands and the Bellone reefs, the Loyalty islands (Maré, Lifou, Tiga and Ouvéa), Walpole island, Beautemps-Beaupré and Astrolabe islands, Matthew and Fearn or Hunter islands and the islets close to the coast. The territory is not part of France's European territory. In accordance with Law No. 88-1028 mentioned above, the State and the territory each have jurisdiction in specific matters, while the provinces (Province Nord, Province Sud, Province des îles) have competence in matters of ordinary law (droit commun).

France belongs to the European Economic Community, but the Treaty applies fully only to France's European territory and its overseas departments.

New Caledonia is deemed to be one of the "overseas countries and territories" of a member State of the Community within the meaning of Article 227.3 of the Treaty of Rome.

New Caledonia is one of the territories whose association with the Community was agreed by the member States of the Community in the 1957 Treaty of Rome. Relations between New Caledonia and the EEC are therefore governed by Part Four of the Treaty of Rome and by the decisions taken by the Council of Ministers of the European Economic Community in fulfilment of these provisions. This schedule does not in any way predetermine or affect relations between New Caledonia and the Community.

FRANCE IN RESPECT OF NEW CALEDONIA - SCHEDULE OF SPECIFIC COMMITMENTS

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		3) <u>Direct foreign investment not exceeding 70 million francs:</u> (within the competence of the Province, in accordance with Law No. 88-1028) None other than: - <u>Province sud:</u> subject to authorization by the competent authorities - <u>Loyalty Islands Province:</u> subject to approval by the competent authorities		1), 2), 3) Eligibility for aid by the EEC, the State, the territory or the provinces may be limited to companies with a legal status established in New Caledonia or in one of its geographical subdivisions Granting of such aid is subject to decision by the competent authorities Subsidies granted to the public sector are not contrary to the provisions of the framework agreement on services				

FRANCE IN RESPECT OF NEW CALEDONIA (continued)

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	
	<p><u>Direct foreign investment exceeding 70 million francs:</u></p> <p>Within the competence of the State in accordance with Law No. 88-1028 direct investment by non-residents (outside the EEC) or by companies under foreign control (outside the EEC) are subject to a prior declaration and where appropriate prior authorization by the Minister for the Economy. This provision mainly concerns the takeover of enterprises. The establishment of subsidiaries and new enterprises, are exempt from prior declaration and authorization. The authorization is deemed to have been granted one month after receipt of the declaration of investment unless, during this period, the Minister has decided to adjourn the proceedings.</p>			

FRANCE IN RESPECT OF NEW CALEDONIA (continued)

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	
	<p><u>Purchase or lease of certain lands, (tribal or clan lands ...):</u></p> <p>Subject to special conditions and authorization (Procès-Verbal de Palabre)</p> <p><u>Public services:</u></p> <p>Certain services deemed to be of public utility at the national or local levels may be the subject of monopolies or exclusive rights (concessions ...) granted to private operators*</p>	<p>4) Unbound</p>			
	<p>4) Unbound</p> <p>Presence of natural persons required to set up companies is subject to the fulfilment of formalities on the entry and residence of foreigners</p>				

* In most cases, such services are covered by the provisions of Article XIII:1. Exclusive rights to such services are often granted by the public authorities by means of concession to private operators who must then meet the special obligations of public service.

FRANCE IN RESPECT OF NEW CALEDONIA (continued)

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
II. SECTOR-SPECIFIC COMMITMENTS					
6. ENVIRONMENTAL SERVICES					
Treatment of industrial and/or household waste (excluding collection)	1) Unbound*	1) Unbound*			
	2) None	2) None			
	3) None <u>other than:</u>	3) None			
	- <u>Loyalty Islands Province:</u> authorization by the competent authorities				
	4) Unbound	4) Unbound			
9. TOURISM AND TRAVEL RELATED SERVICES					
4 and 5 star hotels	1) Unbound*	1) Unbound*			
	2) None	2) None			

* Such a commitment is not technically feasible.

FRANCE IN RESPECT OF NEW CALEDONIA (continued)

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		
Tourist-related nautical transport	3) None <u>other than</u> :	3) None <u>other than</u> :			
	- <u>Loyalty Islands Province</u> : unbound	- <u>Loyalty Islands Province</u> : unbound			
	The commitment in this sector is limited to a period of five years	The commitment in this sector is limited to a period of five years			
	4) Unbound	4) Unbound			
	1) Unbound*	1) Unbound*			
	2) None	2) None			
	3) None <u>other than</u> :	3) None <u>other than</u> :			
	- <u>Province Sud</u> : Approval by the provincial authorities is required. In addition, this activity is restricted to French-registered boats.	- <u>Loyalty Islands Province</u> : unbound			
- <u>Loyalty Islands Province</u> : unbound					
4) Unbound	4) Unbound				

* Such a commitment is not technically feasible.

FRANCE IN RESPECT OF NEW CALEDONIA (continued)

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
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES					
	Organization and promotion of sporting events (CPC 9641)	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound		
	Maintenance of botanical and zoological gardens (CPC 96331)	1) Unbound* 2) None 3) None <u>other than:</u>	1) Unbound* 2) None 3) None <u>other than:</u>		
		- <u>Loyalty Islands Province:</u> unbound 4) Unbound	- <u>Loyalty Islands Province:</u> unbound 4) Unbound		

* Such a commitment is not technically feasible.

FRANCE IN RESPECT OF NEW CALEDONIA (continued)

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
12. OTHER SERVICES NOT INCLUDED ELSEWHERE					
Beauty treatment services (CPC 97029)	1) Unbound*	1) Unbound*	1) Unbound*		
	2) None	2) None	2) None		
	3) None	3) None	3) None		
	4) Unbound	4) Unbound	4) Unbound		
Pressing services (CPC 97014 and CPC 97013)	1) Unbound*	1) Unbound*	1) Unbound*		
	2) None	2) None	2) None		
	3) None	3) None	3) None		
	4) Unbound	4) Unbound	4) Unbound		
Hairdressing services (CPC 97021)	1) Unbound*	1) Unbound*	1) Unbound*		
	2) None	2) None	2) None		
	3) None	3) None	3) None		
	4) Unbound	4) Unbound	4) Unbound		

* Such a commitment is not technically feasible.