

# WORLD TRADE ORGANIZATION

RESTRICTED

**GATS/SC/77/Suppl.1/Rev.1**

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**Trade in Services**

## **SLOVAK REPUBLIC**

### **Schedule of Specific Commitments**

#### **Supplement 1**

#### **Revision**

(This is authentic in English only)

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This text replaces the Financial Services section contained in pages 24 to 30 of document GATS/SC/77.



## SLOVAK REPUBLIC - 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
7. FINANCIAL SERVICES				
Measures applicable to all sectors in financial services:				
(1)	Commitments in this Chapter are based on the Agreement on Trade in Services, the Annex on Financial Services and the Understanding on Commitments in Financial Services.			
(2)	Market access commitments with respect to the "cross-border supply" and "consumption abroad" are bound to the extent of the obligations in paragraphs 3 and 4 of Market Access of the Understanding only to individual sectors listed and subject to limitations indicated below.			
(3)	The purchase or acquisition of financial services by public entities of the Slovak Republic is governed in this Schedule by Article XIII of the Agreement.			
(4)	The admission to the market of new financial services and instruments may be subject to the existence of, and consistency with the domestic regulatory framework aimed at achieving the objectives indicated in Article 2a of the Annex on Financial Services.			
(5)	The commitments on presence of natural persons are bound according to the general limitations applicable to all sectors in this Schedule (Part I).			
(6)	Otherwise, the commitments in this Chapter are subject to the general conditions or limitations applicable to all sectors in this Schedule.			
A.	<u>All Insurance and Insurance-Related Services (CPC 812)</u>			
The following insurance services are provided by exclusive suppliers:				
Compulsory motor third party liability insurance, compulsory air transport insurance, the liability insurance of employer against injury or occupational disease have to be effected through the Slovak Insurance Company. The basic health insurance and pension fund schemes are confined to the General Health Company. These exclusive service suppliers act in a manner consistent with obligations under Article II of the GATT and 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	
(a)	Life insurance (CPC 8121)	(1)	None other than:	<div>Commercial presence is required for supply of:</div> <ul style="list-style-type: none"><li>- the life insurance of persons with permanent residence in the Slovak Republic;</li><li>- the insurance of property on the territory of the Slovak Republic;</li><li>- the insurance of liability for loss or damage caused by the activity of natural persons and juridical persons on the territory of the Slovak Republic;</li><li>- air and maritime transport insurance, covering goods, aircraft, hull and liability.</li></ul>					
(b)	Non-life insurance (CPC 8129)								
(c)	Reinsurance and retrocession (CPC 81299)								
(d)	Insurance intermediation (CPC 8140)								
		(2)	Insurance services covered by mode (1) except insurance of air and maritime transport, covering goods, aircraft, hull and liability above may not be purchased abroad.				(2)	None	

**SLOVAK REPUBLIC** (continued)

Modes of supply:				
(1)	(2)	(3)	(4)	
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments	Presence of natural persons
	<p>(3) Licence is required for provision of insurance services. Foreign national may establish an insurance company with the seat in the Slovak Republic in the form of a joint stock company or may conduct insurance business through their subsidiaries with registered office in the Slovak Republic under the general conditions established in the Law on Insurance. Insurance business means insurance activity including brokerage and reinsurance activity.</p> <p>Intermediation activity aimed at the conclusion of insurance contract between third party and insurance company may be provided by natural or juridical person only domiciled in the Slovak Republic for the benefit of the insurance company having the licence of the Insurance Supervisory Authority.</p>	<p>(3) The majority of the management board of an insurance company has to be domiciled in the Slovak Republic.</p>		

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
B. <u>Banking and Other Financial Services</u>		<p>Intermediation contract aimed at conclusion of insurance contract by third party with insurance company may be concluded by domestic or foreign insurance company only on the basis of licence granted by the Insurance Supervisory Authority.</p> <p>The financial resources of specific insurance funds of licensed insurance operators derived from insuring or reinsuring policy holders with residence or registered office in the Slovak Republic must be deposited in a resident bank in the Slovak Republic and may not be transferred abroad.</p>							
		(4)	Unbound except as indicated in horizontal section.			(4)	Unbound except as indicated in horizontal section.		
		(1)	Unbound for services described in subsectors (g) and (i) and for:			(1)	Unbound		
		-	transferable securities (CPC 81321)						
		-	other negotiable instruments and financial assets (excl. bullion).						

**SLOVAK REPUBLIC** (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		
(a) Acceptance of deposits and other repayable funds from the public (CPC 81115 - CPC 81119)  (b) Lending of all types (CPC 8113)  (c) Financial leasing (CPC 81120)  (d) All payments and money transmission services (CPC 81339)  (e) Guarantees and commitments (CPC 81199)  (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise as follows:		(1), (2)	None other than:		(1), (2)	None			
		(i)	Deposit services are confined to the domestic banks and branches of foreign banks in the Slovak Republic						
		(ii)	Only authorized domestic banks, branches of foreign banks in the Slovak Republic and persons possessing, a foreign exchange licence may trade in foreign exchange assets						
		(iii)	Non-cash cross-border payments may be effected only by domestic banks and branches of foreign banks in the Slovak Republic						
		(iv)	Foreign exchange licences issued by the National Bank of Slovakia are required for:						
			(a) opening an account abroad by a Slovak non-bank resident;  (b) capital payment abroad;  (c) obtaining financial credit from a foreign exchange non-resident;						

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>(i) money market instruments (cheque, bills, certificates, deposits, etc.) (CPC 81339)</p> <p>(ii) foreign exchange (CPC 81333)</p> <p>(iii) exchange rate and interest rate instruments, etc. including products such as swaps, forward rate agreements, etc. (CPC 81339)</p>	<p>(d) export and import of Slovak currency and securities denominated in this currency and securities denominated in this currency.</p> <p>(v) Foreign exchange assets are required to be deposited with an authorized domestic bank or branch of a foreign bank in the Slovak Republic.</p> <p>(3) Banking services may be provided only by domestic banks or branches of foreign banks authorized by the National Bank of Slovakia in the agreement with the Ministry of Finance.</p> <p>The granting of authorization is based on the consideration of criteria relating, in particular, to capital endowment (financial strength), professional qualifications, integrity and competence of the management and economic usefulness of the projected bank activities. Private banks may be established as joint stock companies only. The purchase of shares of existing bank is subject to prior approval of the National Bank of Slovakia.</p> <p>(4) Unbound except as indicated in horizontal section.</p>	<p>(3) A minimum of one-third of the Board of Directors must be citizens of the Slovak Republic.</p> <p>(4) Unbound except as indicated in horizontal section.</p>	



**SLOVAK REPUBLIC** (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	
(iv) transferable securities (CPC 81321)	(v) other negotiable instruments and financial assets (excl. bullion) (CPC 81339)	(1)	Unbound		(1)	Unbound			
		(2)	None		(2)	None			
(g) Participation in issues of all kinds of securities (CPC 8132)		(3)	Securities may be traded publicly only if relevant authorization has been granted and prospectus covering the security has been approved by the Ministry of Finance. The authorization may not be granted if public trading in securities is in conflict with the interests of investors, is inconsistent with the Government financial policy or if it does not conform with the requirements of the financial market. The business of security dealer, stockbroker or organizer of an over-the-counter market is subject to authorization of the Ministry of Finance.		(3)	None			
(j) Settlement and clearing services for financial assets (excl. derivative products) (CPC 81319, CPC 81339)									
(k) Advisory and other auxiliary financial services on all the activities listed in sub-paragraphs above, incl. credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (CPC 8131)			Settlement and clearing services for all kinds of payments go through Center of Securities - SCP (Clearing and Settlement House for Securities). Cash part clearing and settlement goes through Banking Clearing and Settlement House - BZCS (where the National Bank of Slovakia is major shareholder).						

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(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		
(1) Provision and transfer of financial information and financial data processing and related software by providers of other financial services (CPC 8131)	(4) Unbound except as indicated in horizontal section.		(4) Unbound except as indicated in horizontal section.				