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Commerce des services

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ROYAUME DES PAYS-BAS POUR LES ANTILLES NÉERLANDAISES

Projet de version convertie de la Liste d'engagements spécifiques¹

On trouvera ci-joint un projet de version convertie en format Word de la Liste d'engagements spécifiques du Royaume des Pays-Bas pour les Antilles néerlandaises. Ce document ne remplace pas les engagements juridiquement contraignants souscrits par le Royaume des Pays-Bas pour les Antilles néerlandaises dans sa Liste d'engagements spécifiques (GATS/SC/3).

Le projet de version convertie de la Liste a été établi 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.

This schedule applies only to the territory of the Netherlands Antilles, which are part of the Kingdom of the Netherlands. The Netherlands Antilles do not form part of the European territory of the Kingdom of the Netherlands, which is a Member State of the European Community. The Netherlands Antilles consist of the islands of Curaçao, Bonaire, St. Maarten, St. Eustatius and Saba and enjoy an autonomous status under the "Statute of the Kingdom of the Netherlands" of 1954, as modified in 1986.

The relations between the Netherlands Antilles and the European community are governed by Part IV of the Treaty of Rome and special Association Decisions by the Council of Ministers of the European Community. This schedule does not prejudice or influence in any way the relations between the Netherlands Antilles and the European Community.

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO THE NETHERLANDS ANTILLES
SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border 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) As a general rule incorporation in the N.A. is required. Branches need a permission. At least one managing director either as individual or a legal entity, must be a resident of the N.A., and must be appointed at the time of incorporation. 4) A test of economic needs is applied to all categories of natural persons	3) Non-Antillians* need a permission to establish as self-employed, for which a test of economic needs is applied 4) Non-Antillians* need a special permission to become a director of a company	
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
a) Legal services	1) None	1) None	
Legal advice activities on	2) None	2) None	
home country and	3) None	3) None	
international law	4) None	4) None	
b) Accountancy (CPC 862)	1) Unbound	1) Unbound	
	2) Unbound	2) Unbound	
	3) None	3) None	
	4) None	4) None	
c) Taxation services (CPC 863)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
	4) None	4) None	
e) Engineering services (CPC 8672)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
	4) None	4) None	

* In the framework of establishment Antillians are defined as those persons of Dutch nationality born in the N.A.

Modes of supply: 1) Cross-border 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>Computer services</u> (CPC 841)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
F. <u>Other Business Services</u> c) Management consulting services (CPC 865)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. <u>Construction</u> (CPC 512)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
4. DISTRIBUTION SERVICES			
D. <u>Franchising</u> (CPC 8929)	1) None 2) None 3) Not more than 25 per cent of the shares of a franchise can be held by the mother company abroad 4) None	1) None 2) None 3) None 4) None	

* A commitment on this mode of delivery is not feasible.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
The Netherlands Antilles will bind all financial service sectors in accordance with the provisions contained in the "Understanding on Commitments in Financial Services"			
7. FINANCIAL SERVICES ¹			
A. <u>Insurance</u>			
a) Domestic insurance companies ²	1) None 2) None 3) Must be limited liability companies or mutual companies if the seat is registered within the N.A. A test of economic needs is applied for the establishment of branches and subsidiaries in the domestic market. The managing director, being a natural person, must be a resident of the N.A. 4) None	1) None 2) None 3) None 4) None	
b) International insurance companies ³	1) None 2) None 3) Must be limited liability companies or mutual companies. The managing director, being a natural person, must be a resident of the N.A. 4) None	1) None 2) None 3) None 4) None	

¹ Capital transactions are subject to a licence granted by the Central Bank, according to the foreign exchange regulations of the N.A.

² Domestic insurance companies are defined as insurance companies conducting business primarily within the N.A.

³ An international insurance company is defined as an insurance company, conducting business outside the N.A. with non-residents. International insurance companies are not allowed to operate on the domestic market.

Modes of supply: 1) Cross-border 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 securities trade</u> Secondary financial institutions ⁴	1) None 2) None 3) a) Must be limited liability companies or branches of a foreign financial institution b) A test of economic needs is applied for the establishment of branches and subsidiaries on the domestic market (including expansion of activities of established banks through new branches) c) Only branches and subsidiaries of the top 1000 banks may be admitted d) The managing directors must be natural persons and residents of the N.A. Their appointment is subject to approval by the Central Bank 4) None	1) None 2) None 3) None 4) None	

⁴ A secondary financial institution is defined as an enterprise or institution whose activities consist primarily of obtaining funds from third parties in the form of savings or debenture with the purpose of investing or lending these funds. A secondary financial institution is not a money-creating entity and therefore has no effect on the total money supply.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
General banks ⁵	1) None 2) None 3) a) Must be limited liability companies or branches of a foreign financial institution b) A test of economic needs is applied for the establishment of branches and subsidiaries on the domestic market (including expansion of activities of established banks through new branches) c) Only branches and subsidiaries of the top 1000 banks may be admitted d) The managing directors must be natural persons and residents of the N.A. Their appointment is subject to approval by the Central Bank.	1) None 2) None 3) None	
International banks ⁶	4) None 1) None 2) None 3) Must be legal entities or branches of foreign financial institutions. Only subsidiaries or branches of the top 1000 banks of the world are admitted. At least one of the managing directors, being a natural person, must be a resident of the N.A. The appointment is subject to approval by the Central Bank. 4) None	4) None 1) None 2) None 3) None 4) None	

⁵ A general bank is defined as an enterprise or institution whose activities consist primarily of regularly obtaining funds on account from third parties and/or lending funds to third parties in the form of loans.

⁶ An international bank is defined as an enterprise whose activities consist primarily of regularly obtaining funds on account from third parties being non-residents and/or from the capital market, with the purpose of relending these funds to third parties being non-residents in the form of loans. Since international banks are not subject to the restrictions in the foreign exchange regulations, those banks are not allowed to operate on the domestic market.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotel lodging services</u> (CPC 6411)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
10. RECREATIONAL AND SPORTING SERVICES			
A. <u>Entertainment services</u> (CPC 9619)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
a) Recreation park and beach services (CPC 96491)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
D. <u>Sporting services</u> (CPC 9641)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
11. TRANSPORT SERVICES			
A. <u>Shipping: (freight and passenger transportation)</u>	1) None 2) None 3) None 4) None	1) None 2) None 3) All vessels registered in the N.A. must fly the flag of the Kingdom of the Netherlands. Such vessels must be owned by a N.A. company. The captain must be a Dutch ⁷ national (waiver possible). 4) None	

*A commitment on this mode of delivery is not feasible.

⁷Dutch: national of the Kingdom of the Netherlands.

Modes of supply: (1) Cross-border (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
H. <u>Maritime auxiliary services:</u> cargo-handling	1) Unbound* 2) None 3) Cargo-handling in the harbour of Curaçao is a monopoly of CPS (Curaçao Port Services) 4) None	1) Unbound* 2) None 3) None 4) None	
Freight transport: agency services/freight forwarding	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Maritime auxiliary services: storage/warehousing	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
F. <u>Road transport services</u> (CPC 71231, 71234, 71239)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

* A commitment on this mode of delivery is not feasible.