

## DRAFT INITIAL OFFER

1 DECEMBER 2020

### EAST AFRICAN COMMUNITY SCHEDULE OF SPECIFIC COMMITMENTS FOR THE AfCFTA TRADE IN SERVICES NEGOTIATIONS

#### INTRODUCTORY NOTE

1. The specific commitments in this schedule apply to all East African Community (EAC) Partner States under the conditions laid down in the EAC Treaty and the Common Market Protocol (CMP). These commitments apply only to the relations between the EAC on the one hand, and non-EAC countries on the other. They do not affect the rights and obligations of EAC Partner States arising from Community law.
2. The following abbreviations are used to indicate the Partner States:  
  
BU – Republic of Burundi  
KE – Republic of Kenya  
RW – Republic of Rwanda  
RSS – Republic of South Sudan  
UG – Republic of Uganda  
URT – United Republic of Tanzania
3. RSS is not yet included in the initial schedule as they have not yet acceded to the World Trade Organization. In addition, URT is yet to submit their initial offer.
4. The rights and obligations arising from the AfCFTA Protocol on Trade in Services, including the schedule of commitments, shall have no self-executing effect and thus confer no rights directly to individual natural persons or juridical persons.
5. Sections bolded are the improvements made to the schedule of specific commitment of Partner States under the GATS.
6. EAC Partner States reserve the right to amend, withdraw, or make an additional offer, in whole or part to this conditional offer, at any time, before the conclusion of the negotiations.

<b>I. HORIZONTAL COMMITMENTS:</b>		
Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons		
Sector or sub-sector	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
All Sectors included in the schedule	<p>3)</p> <p>KE:</p> <ul style="list-style-type: none"> <li>- Commercial presence requires that foreign service providers incorporate or establish the business locally</li> <li>- <b>Local content requirement applies to non- Kenyan services and service suppliers</b></li> </ul> <p>UG:</p> <ul style="list-style-type: none"> <li>- <b>Commercial presence requires that non-Ugandan services/services suppliers incorporate or register the business locally in Uganda.</b></li> <li>- <b>Joint venture and local content requirements apply to non-Ugandan services and services suppliers</b></li> </ul>	<p>3)</p> <p>KE:</p> <ul style="list-style-type: none"> <li>- <b>Resident firms taxed at 30% and Non- Resident 37.5%</b></li> <li>- <b>A foreign service supplier is not allowed to own a free hold title. They may only acquire land on a leasehold basis.</b></li> </ul> <p>UG: Land ownership is only by Uganda Citizens but non-Ugandans can lease land for development purposes upon approval by the sector Ministry,</p>
	<p>BU, KE, RW, UG:</p> <p>(4) Unbound, except for measures affecting entry and temporary stay of natural persons in the following categories:</p> <p><i>'Contractual Service Supplier'</i> means a natural person of a State Party employed by a juridical person of that State Party which has no commercial presence in the territory of another State Party and which has concluded a bona fide contract to supply services with a consumer in a State Party requiring the presence on a temporary basis of its employees in that State Party in</p>	<p>BU, KE, RW, UG:</p> <p>(4) Unbound except as indicated in the market access</p>

order to fulfill the contract to provide services. The natural person should have worked with that juridical person for at least two years.

***‘Independent Service Supplier’*** means a natural person of a State Party engaged in the supply of a service and registered as self-employed in the territory of that State Party who has no commercial presence in the territory of any other State Party and who has concluded a bona fide contract to supply services with a final consumer in a State Party requiring his/her presence on a temporary basis in that State Party in order to fulfill the contract to provide services. The natural person should have at least two years of experience in the particular field that is the subject of the service contract.

***‘Business Visitors’*** means Persons who visit another State Party temporarily for the purposes specified in (i) – (iv) below:

- i. For the sale of services or entering into agreements for such sales for that services supplier (Service Seller)
- ii. Employees of a juridical person for the purpose of setting up a commercial presence of that juridical person in another State Party. Application has to be made before such person comes to another State Party.
- iii. Persons participating in business meetings;
- iv. Persons engaged in installing machinery of providing after-sale services of machinery under the conditions of the purchase of the machinery.

Access is subject to the condition that representatives of such services suppliers will not:

	<ol style="list-style-type: none"> <li>1. be engaged in making direct sales to the general public or in supplying services themselves</li> <li>2. receive remuneration from a source located within another Partner State.</li> </ol> <p>Entry for persons in this category (i-iii) shall be for a period of not more than 90 days in a Calendar Year. A special pass for 3 months and above for iv.</p> <p><b><i>'Intra-corporate transferees'</i></b> mean personnel sent from the headquarters of a State Party service supplier, which has established a commercial presence in another State Party and who has been previously employed by a State Party service supplier for at least two years. Each company is allowed to bring a maximum of five expatriates under the following sub-categories: managers, executives and specialists across the 3 categories, as defined hereunder:</p> <ol style="list-style-type: none"> <li>1. <b><i>Executives:</i></b> Natural persons who head the organization and primarily plans, direct and control the strategic functions of the organization or a major component or function of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors. This sub-category would not directly perform tasks related to the actual provision of a service or services of the organization.</li> <li>2. <b><i>Managers:</i></b> Persons within an organization, who primarily       <ol style="list-style-type: none"> <li>i. Plans, directs and control the operational activities of organization, or a department or sub-division of the organization.</li> </ol> </li> </ol>	
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	<ul style="list-style-type: none"> <li>ii. Supervises the work of other supervisory, professional employees</li> <li>iii. Has the authority to hire and fire or recommend hiring, supervisory and professional employees.</li> <li>iv. Have the discretionary authority over day-to-day operations.</li> <li>v. Plan, budgeting and control of assets and liabilities of the organization.</li> </ul> <p>3. <b>Specialists:</b> Natural persons in the organization who possesses technical or specialized, and a proprietary knowledge of the organization's products, services, operations or management techniques.</p> <p><b>'Trainees'</b> means natural persons who have been employed by a juridical person of a State Party for at least one year, who possess relevant qualification/technical skill and who are temporarily transferred to an establishment in the territory of the other State Party for career development purposes or to obtain training in business techniques or methods. The recipient establishment may be required to submit a training programme covering the duration of stay for prior approval, demonstrating that the purpose of the stay is for training corresponding to the level of relevant qualification.</p> <p><b>RW:</b> Foreign natural persons for the implementation of foreign investment shall comply with the occupational demand list (attached to this schedule and is updated yearly)</p>	
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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
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<u>A. Professional services</u>	RW:	RW	
(a) Legal services (CPC 861)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
(b) Accounting, auditing and bookkeeping services  (c) Taxation Services	<b>BU, RW:</b>  (1) None (2) None (3) <b>BU: Joint venture with maximum foreign shareholding of 51%</b> <b>RW: None</b> (4) Unbound except as indicated in the horizontal section	<b>BU, RW:</b>  (1) None (2) None (3) <b>BU: Transfer of know-how and technology</b> <b>RW: None</b> (4) Unbound except as indicated in the horizontal section	
(d) Architectural services (8671)	<b>BU, KE, RW:</b>  (1) None (2) None (3)	<b>BU, KE, RW:</b>  (1) None (2) None (3) <b>BU, KE: Requirement for transfer of know-how and technology</b>	

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
	<p><b>BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%</b>  <b>RW: None</b></p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p><b>RW: None</b></p> <p>(4) Unbound except as indicated in the horizontal section</p>	
<b>(e) Engineering services (8672)</b>	<p><b>BU, KE, RW, UG:</b></p> <p>(1) None  (2) None  (3) <b>KE: Requirement for joint venture with maximum foreign shareholding of 49%</b>  <b>RW: None</b>  <b>UG: Unbound, except as indicated in the horizontal section</b></p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p><b>BU, KE, RW, UG:</b></p> <p>(1) None  (2) None  (3) <b>KE: Requirement for transfer of know-how and technology</b>  <b>RW: Occupational demand list be complied with</b>  <b>UG: None</b></p> <p>(4) Unbound except as indicated in the horizontal section</p>	
<b>(f) Integrated engineering services (8673)</b>	<p><b>BU, KE, UG:</b></p> <p>(1) None  (2) None  (3) <b>KE: Requirement for joint venture with maximum foreign shareholding of 49%</b></p>	<p><b>BU, KE, UG:</b></p> <p>(1) None  (2) None  (3) <b>KE: Requirement for transfer of know-how and technology</b>  <b>RW: None</b>  <b>UG: None</b></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
	<p><b>UG: Unbound, except as indicated in the horizontal section</b>  <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b></p>	<p><b>(4) Unbound except as indicated in the horizontal section</b></p>	
(h) Medical and dental services (CPC 9312)	<p>BU, <b>KE</b>, RW:  (1) None  (2) None  <b>(3)</b>  <b>KE: Requirement for Joint venture with maximum foreign shareholding of 51%</b>  BU, RW: None  <b>(4) Unbound except as indicated in the horizontal section</b></p>	<p>BU, <b>KE</b>, RW:  (1) None  (2) None  <b>(3)</b>  <b>KE: Requirement for transfer of know-how and technology</b>  BU, RW: None  <b>(4) Unbound except as indicated in the horizontal section</b></p>	
(i) Veterinary services (CPC 932)	<p>BU, RW <b>UG</b>:  (1) None  (2) None  (3)  BU, RW: <b>None</b>  <b>UG: None, except as indicated in the horizontal section</b>  <b>(4) Unbound except as indicated in the horizontal section</b></p>	<p>BU, RW <b>UG</b>:  (1) None  (2) None  (3)  BU: None  RW: <b>None</b>  <b>UG: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b></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
<b>(j) Services provided by midwives, nurses, physiotherapists and para-medical personnel (CPC 93191)</b>	<b>BU, KE, RW:</b> (1) None (2) None (3) <b>BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>RW: None</b> (4) Unbound except as indicated in the horizontal section	<b>BU, KE, RW:</b> (1) None (2) None (3) <b>BU, KE: Requirement for transfer of know-how and technology</b> <b>RW: None</b> (4) Unbound except as indicated in the horizontal section	
<u><b>B. Computer and Related Services</b></u>  <b>(a) Consultancy services related to the installation of computer hardware (CPC 841)</b>  <b>(b) Software implementation services (CPC 842)</b>	<b>BU, KE, RW:</b> (1) None (2) None (3) <b>BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>RW: None</b> (4) Unbound except as indicated in the horizontal section	<b>BU, KE, RW:</b> (1) None (2) None (3) <b>BU, KE: Requirement for transfer of know-how and technology</b> <b>RW: None</b> (4) Unbound except as indicated in the horizontal section	
<b>c) Data processing services (CPC 843)</b>	<b>BU, KE, RW, UG:</b> (1) None (2) None (3)	<b>BU, KE, RW, UG:</b> (1) None (2) None (3)	

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
	<b>BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>UG: requirement for partnerships or joint venture with maximum foreign shareholding of 49% will apply</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>BU, KE, UG: Requirement for transfer of know-how and technology</b> <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b>	
<b>(d) Data base services (CPC 844)</b>	<b>BU, KE, RW, UG:</b> <b>(1) None</b> <b>(2) None</b> <b>(3)</b> <b>BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>UG: requirement for partnerships or joint venture with maximum foreign shareholding of 49% will apply</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>BU, KE, RW, UG:</b> <b>(1) None</b> <b>(2) None</b> <b>(3)</b> <b>BU, KE, UG: Requirement for transfer of know-how and technology</b>  <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
<b><u>C. Research and Development Services</u></b>	<b>BU, KE, RW:</b>	<b>BU, KE, RW:</b>	
<b>(a) R&amp;D services on natural sciences</b>	<b>(1) None</b> <b>(2) None</b> <b>(3)</b>	<b>(1) None</b> <b>(2) None</b> <b>(3)</b>	

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
<b>(b) R&amp;D services on social sciences and humanities</b>  <b>(c) Interdisciplinary R&amp;D services</b>	<b>BU: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>KE: Requirement to incorporate locally as a limited liability company</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>BU, KE: Requirement for transfer of know-how and technology</b> <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b>	
<u><b>D. Real Estate Services</b></u>  <b>(a) Involving own or leased property (CPC 821)</b>  <b>(b) On a fee or contract basis (CPC 822)</b>	<b>KE, RW:</b>  <b>(1) None</b> <b>(2) None</b> <b>(3) None</b> <b>KE: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>KE, RW:</b>  <b>(1) None</b> <b>(2) None</b> <b>(3) None</b> <b>KE: Requirement for transfer of know-how and technology</b> <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b>	
<u><b>E. Rental/Leasing Services without Operators</b></u>  <b>(a) Relating to ships (83103)</b>  <b>(b) Relating to aircraft (83104)</b>	<b>BU, KE, RW:</b>  <b>(1) None</b> <b>(2) None</b> <b>(3) BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>RW: None</b>	<b>BU, KE, RW:</b>  <b>(1) None</b> <b>(2) None</b> <b>(3) BU, KE: Requirement for transfer of know-how and technology</b> <b>RW: None</b>	

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
<p><b>(c) Relating to other transport equipment</b></p> <p><b>(d) Relating to other machinery and equipment (83106 - 83109)</b></p>	<p><b>(4) Unbound except as indicated in the horizontal section</b></p>	<p><b>(4) Unbound except as indicated in the horizontal section</b></p>	
<p>F. Other Business Services</p> <p>(a) Advertising services (CPC 871)</p> <p>(b) Market research and public opinion polling services (CPC 864)</p> <p>(c) Management consulting service (CPC 865)</p> <p>(f) Services incidental to agriculture, hunting and forestry (CPC 881)</p> <p>(g) Services incidental to fishing (CPC 882)</p>	<p>BU, RW:</p> <p><b>(1) None</b></p> <p><b>(2) None</b></p> <p><b>(3) None</b></p> <p><b>(4) Unbound except as indicated in the horizontal section</b></p>	<p>BU, RW:</p> <p><b>(1) None</b></p> <p><b>(2) None</b></p> <p><b>(3) BU, RW: None</b></p> <p><b>(4) Unbound except as indicated in the horizontal section</b></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
(q) Packaging services (CPC 876)			
(n) Maintenance and repair of equipment (CPC 8861 to 8866)	<b>BU, RW, UG:</b> (1) None (2) <b>BU, RW, UG: None</b> (3) <b>BU, RW: None</b> <b>UG: Unbound except as indicated in the horizontal section</b> (4) Unbound except as indicated in the horizontal section	<b>BU, RW, UG:</b> (1) None (2) None (3) <b>BU, RW, UG: None</b> (4) Unbound except as indicated in the horizontal section	
(e) Technical testing and analysis services (8676)	<b>UG:</b> (1) None (2) None (3) Unbound except as indicated in the horizontal section (4) Unbound except as indicated in the horizontal section	<b>UG:</b> (1) None (2) None (3) Requirement for transfer of know-how and technology (4) Unbound except as indicated in the horizontal section	
(f) Services incidental to Manufacturing (884 + 885, 88442)	<b>UG:</b> (1) None (2) None (3) Unbound except as indicated in the horizontal section	<b>UG:</b> (1) None (2) None (3) 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
	<b>(4) Unbound except as indicated in the horizontal section</b>	<b>(4) Unbound except as indicated in the horizontal section</b>	
<b>(g) Related scientific and technical consulting services (8675)</b>	<b>UG:</b> <b>(1) None</b> <b>(2) None</b> <b>(3) Unbound except as indicated in the horizontal section</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>UG:</b> <b>(1) None</b> <b>(2) None</b> <b>(3) Requirement for transfer of know-how and technology</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
<b>2. COMMUNICATION SERVICES</b>			
<b>B. Courier services (CPC 7512)</b>	<b>BU, KE, RW, UG:</b> <b>(1)</b> <b>BU, KE, RW: Unbound</b> <b>UG: None</b> <b>(2) None</b> <b>(3) BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>KE: Requirement to incorporate locally as a limited liability company</b> <b>RW: Unbound</b> <b>UG: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>BU, KE, RW, UG:</b> <b>(1)</b> <b>BU, KE, RW: Unbound</b> <b>UG: None</b> <b>(2) BU, RW, UG: None</b> <b>(3)</b> <b>BU: Unbound</b> <b>KE, UG: Requirement for transfer of know-how and technology</b> <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b>	

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><b>C. Telecommunication services</b></u>  <u><b>Carrier services (CPC Ver. 2.1 - 8411)</b></u>	<b>KE, RW, UG:</b>  (1) None (2) None (3) <b>KE: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>RW: None</b> <b>UG: Unbound except as indicated in the horizontal section</b> (4) Unbound except as indicated in the horizontal section	<b>KE, RW, UG:</b>  (1) None (2) None (3) <b>KE, UG: Requirement for transfer of know-how and technology</b> <b>RW: None</b>  (4) Unbound except as indicated in the horizontal section	KE, UG: attached reference papers under GATS
<b>Fixed telephony services (CPC Ver. 2.1 - 8412)</b>  <b>Private network services (CPC Ver. 2.1 - 8414)</b>  <b>Other telecommunications services (CPC Ver. 2.1 - 8419)</b>	<b>BU, KE, RW:</b>  (1) None (2) None (3) <b>BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%</b> <b>RW: None</b> (4) Unbound except as indicated in the horizontal section	<b>BU, KE, RW:</b>  (1) None (2) None (3) <b>BU, KE: Requirement for transfer of know-how and technology</b> <b>RW: None</b> (4) Unbound except as indicated in the horizontal section	KE, UG: attached reference papers under GATS
<b>Mobile telecommunications</b>	<b>BU, KE, RW, UG:</b>	<b>BU, KE, RW, UG:</b>	

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
<b>services (CPC Ver. 2.1 - 8413)</b>	<p>(1) None  (2) None  (3)  BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%  RW: None  UG: Unbound except as indicated in the horizontal section  (4) Unbound except as indicated in the horizontal section</p>	<p>(1) None  (2) None  (3)  BU, KE, UG: Requirement for transfer of know-how and technology  RW: None  (4) Unbound except as indicated in the horizontal section</p>	
<b>Data transmission services (CPC Ver. 2.1 - 8415)</b>	<p>BU, KE, RW, UG:  (1) None  (2) None  (3)  BU, KE: Requirement for joint venture with maximum foreign shareholding of 51%  RW: None  UG: Unbound except as indicated in the horizontal section  (4) Unbound except as indicated in the horizontal section</p>	<p>BU, KE, RW, UG:  (1) None  (2) None  (3)  BU, KE, UG: Requirement for transfer of know-how and technology  RW: None  (4) Unbound except as indicated in the horizontal section</p>	
<b>Internet telecommunications services (CPC Ver. 2.1 - 842)</b>	<p>BU, KE, RW:  (1) Unbound  (2) None</p>	<p>BU, KE, RW:  (1) Unbound  (2) 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
	<b>(3)</b> <b>BU, KE:</b> <ul style="list-style-type: none"> <li>- Local incorporation as a limited liability company required</li> <li>- Joint venture with maximum foreign shareholding of 51%</li> </ul> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(3)</b> <b>BU, KE: Requirement for transfer of know-how and technology</b> <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b>	
<u>D. Audiovisual services</u>  (a) Motion picture and video tape production and (excluding distribution services) (CPC 9611**)	<b>KE, RW:</b>  <b>(1) None</b> <b>(2) None</b> (3) Unbound <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>KE, RW:</b>  <b>(1) None</b> <b>(2) None</b> (3) Unbound <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
(b) Motion picture projection service (CPC 9612)	<b>KE, RW:</b>  (1) KE: Unbound*	<b>KE, RW:</b>  (1) KE: Unbound*	

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
	<b>RW: None</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>RW: None</b> <b>(2) None</b> <b>(3) None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
<b>Radio and television broadcast originals (CPC Ver. 2.1 - 8461)</b>  <b>Radio and television channel programmes (CPC Ver. 2.1 - 8462)</b>  <b>Broadcasting services and multi-channel programme distribution services (CPC Ver. 2.1 - 8463)</b>	<b>RW, UG:</b> <b>(1) Unbound</b> <b>(2) None</b> <b>(3)</b> <b>RW: Only 2 operators are allowed to put infrastructure)</b> <b>UG: Unbound except as indicated in the horizontal section</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>RW, UG:</b> <b>(1) Unbound</b> <b>(2) None</b> <b>(3) None</b>  <b>(4) Unbound except as indicated in the horizontal section</b>	<b>Local content quotas apply</b>
<b>7. FINANCIAL SERVICES<sup>1</sup></b>			

<sup>1</sup> Kenya used both the W/120 Sectoral Classification list and the Annex on Financial Services, there will be need to align the commitments to this effect (Stakeholders indicated they prefer to use the Financial Annex classification as it describes insurance services in a more accurate manner)

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>A. All insurance and insurance-related services (CPC 821**)</u>			
(a) Life insurance services	<p><b>BU, KE, RW:</b></p> <p>(1) Unbound  (2) Unbound  (3) <b>BU:</b>  - Local incorporation required  - Joint venture with maximum foreign shareholding of 51%  KE: One third of the paid-up capital must be owned by Kenyan nationals  <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b></p>	<p><b>BU, KE, RW:</b></p> <p>(1) Unbound  (2) Unbound  (3)  <b>BU: Transfer of know-how and technology</b>  KE: None  <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b></p>	
b. Non-life insurance services	<p><b>BU, KE, RW:</b></p> <p>(1) <b>Unbound</b>  KE, RW: Unbound, except for aviation, marine and engineering  (2) Unbound, except for aviation, marine and engineering  (3) <b>BU:</b>  - Local incorporation required  - Joint venture with maximum foreign shareholding of 51%  KE, RW: <b>None</b></p>	<p><b>BU, KE, RW:</b></p> <p>(1) Unbound  (2) Unbound  (3)  <b>BU, KE: Transfer of know-how and technology</b>  <b>RW: None</b></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
	<b>(4) Unbound except as indicated in the horizontal section</b>	<b>(4) Unbound except as indicated in the horizontal section</b>	
c. Reinsurance and retrocession	<p>KE, RW:</p> <p><b>(1) Unbound</b>  <b>(2) None</b>  <b>(3) None</b></p> <p><b>(4) Unbound except as indicated in the horizontal section</b></p>	<p>KE, RW:</p> <p><b>(1) None</b>  <b>(2) None</b>  <b>(3) None</b>  KE: None  <b>RW: None</b></p> <p><b>(4) Unbound except as indicated in the horizontal section</b></p>	Mandatory cessions must be placed with Kenya Re: 25%; Zep Re: 10% and Africa Re: 5%
(d) Insurance intermediation:  - brokerage	<p>KE, RW:</p> <p><b>(1) Unbound</b>  <b>(2) None</b></p> <p>KE: Prior approval of the Commissioner of Insurance is required to place Kenyan business with an insurer not registered under the Kenya Insurance Act  <b>RW: None</b></p> <p><b>(3) 60% of the paid-up capital must be owned by Kenyan nationals</b>  <b>RW: None</b></p> <p><b>(4) Unbound except as indicated in the horizontal section</b></p>	<p>KE, RW:</p> <p><b>(1) Unbound</b>  <b>(2) None</b></p> <p><b>(3) KE: None</b>  <b>RW: None</b></p> <p><b>(4) Unbound except as indicated in the horizontal section</b></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
- and agency	<p>KE, RW:</p> <p>(1) KE: Unbound, except for re-insurance services <b>RW: Unbound</b></p> <p>(2) KE: Unbound <b>RW: None</b></p> <p>(3) KE: Agency services restricted to Kenyan nationals <b>RW: None</b></p> <p><b>(4) Unbound except as indicated in the horizontal section</b></p>	<p>KE, RW:</p> <p>(1) KE: None <b>RW: Unbound</b></p> <p>(2) KE: Unbound <b>RW: None</b></p> <p>(3) KE: Unbound <b>RW: None</b></p> <p><b>(4) Unbound except as indicated in the horizontal section</b></p>	
d. Auxiliary insurance services (including assessors, intermediaries and loss adjustors)	<p>KE:</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p><b>(4) Unbound except as indicated in the horizontal section</b></p>	<p>KE:</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p><b>(4) Unbound except as indicated in the horizontal section</b></p>	
<p><u>B. Banking and other financial services (excl. insurance)</u></p> <p>(a) Acceptance of deposits and other repayable funds</p>	<p><b>BU, KE, RW, UG:</b></p> <p><b>(1)</b> <b>BU, UG: Unbound</b> KE, RW: None</p> <p><b>(2)</b></p>	<p><b>BU, KE, RW, UG:</b></p> <p><b>(1)</b> <b>BU, KE, UG: Unbound</b> RW: None</p> <p><b>(2)</b></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
from the public ( <u>81115-81119</u> )	<p><b>BU, UG: Unbound</b>  <b>KE, RW: None</b>  <b>(3)</b>  <b>BU, KE:</b>  - Requirement to incorporate locally as a limited liability company  - Joint venture with maximum foreign shareholding of 51%  <b>RW: None</b></p> <p><b>UG: Unbound except as indicated in the horizontal section</b>  <b>(4) Unbound except as indicated in the horizontal section</b></p>	<p><b>BU, UG: Unbound</b>  <b>KE, RW: None</b>  <b>(3)</b>  <b>BU, KE, UG: Requirement for transfer of know-how and technology</b>  <b>RW: None</b></p> <p><b>(4) Unbound except as indicated in the horizontal section</b></p>	
(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction (8113)	<p><b>BU, KE, RW, UG:</b>  <b>(1)</b>  <b>BU, UG: Unbound</b>  <b>KE, RW: None</b>  <b>(2)</b>  <b>BU, UG: Unbound</b>  <b>KE, RW: None</b>  <b>(3)</b>  <b>BU:</b>  - Requirement to incorporate locally as a limited liability company  - Joint venture with maximum foreign shareholding of 51%  <b>KE: None</b></p>	<p><b>BU, KE, RW, UG:</b>  <b>(1)</b>  <b>BU, RW, UG: Unbound</b>  <b>KE: None</b>  <b>(2)</b>  <b>BU, RW, UG: Unbound</b>  <b>KE: None</b>  <b>(3)</b>  <b>BU, KE, UG: Requirement for transfer of know-how and technology</b>  <b>RW: None</b></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
	<b>UG: Unbound except as indicated in the horizontal section</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(4) Unbound except as indicated in the horizontal section</b>	
<b>Financial leasing (8112)</b>	<b>UG:</b> <b>(1) Unbound</b> <b>(2) Unbound</b> <b>(3) Unbound except as indicated in the horizontal section</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>UG:</b> <b>(1) Unbound</b> <b>(2) Unbound</b> <b>(3) Requirement for transfer of know-how and technology</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
(c) All payment and money transmission services 81339*	<b>BU, KE, RW, UG:</b> <b>(1)</b> <b>BU: Unbound</b> <b>KE, RW, UG: None</b> <b>(2)</b> <b>BU: Unbound</b> <b>KE, RW, UG: None</b> <b>(3)</b> <b>BU:</b> <ul style="list-style-type: none"> <li>- Local incorporation required</li> <li>- Joint venture with maximum foreign shareholding of 51%</li> </ul> <b>KE, RW, UG: None</b>	<b>BU, KE, RW, UG:</b> <b>(1)</b> <b>BU: Unbound</b> <b>KE, RW, UG: None</b> <b>(2)</b> <b>BU: Unbound</b> <b>KE, RW, UG: None</b> <b>(3)</b> <b>BU, KE: Requirement to transfer of know-how and technology</b> <b>RW, UG: None</b>	

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
	<b>(4) Unbound except as indicated in the horizontal section</b>	<b>(4) Unbound except as indicated in the horizontal section</b>	
(d) Guarantees and commitments	<b>BU, KE, RW:</b> <b>(1)</b> <b>BU, KE: Unbound</b> <b>RW: None</b> <b>(2)</b> <b>BU, KE: Unbound</b> <b>RW: None</b> <b>(3)</b> <b>BU, KE:</b> <b>- Requirement to incorporate as a limited liability company</b> <b>- Joint venture with maximum foreign shareholding of 51%</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>BU, KE, RW:</b> <b>(1)</b> <b>BU, KE: Unbound</b> <b>RW: None</b> <b>(2)</b> <b>BU, KE: Unbound</b> <b>RW: None</b> <b>(3)</b> <b>BU, KE: Requirement to transfer of know-how and technology</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
(e) Participation in issues of all kinds of securities and provision of services related to such issues except underwriting	<b>KE:</b> <b>(1)</b> Securities issued in a foreign jurisdiction cannot be offered or traded in the Kenyan market <b>(2)</b> None <b>(3)</b> Foreign portfolio investors can hold up to 40% of the shareholding of a locally listed company. They can also take up	<b>KE:</b> <b>(1)</b> None <b>(2)</b> None <b>(3)</b> Unbound	



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
	to 40% of any additional public offering by a foreign convened listed company <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(4) Unbound except as indicated in the horizontal section</b>	
KE: (f) Asset management except pension fund management  RW <b>(f) Asset Management, such as cash or portfolio management, all forms of collective management, custodial depository and trust services</b>	KE: (1) None (2) None (3) 30% of paid up capital must be held by Kenyan nationals <b>(4) Unbound except as indicated in the horizontal section</b>  RW: (1) None (2) None (3) None <b>(4) Unbound except as indicated in the horizontal section</b>	KE: (1) Unbound (2) None (3) Unbound  <b>(4) Unbound except as indicated in the horizontal section</b>  RW: (1) None (2) None (3) None <b>(4) Unbound except as indicated in the horizontal section</b>	
<b>(g) Settlement and clearing services for financial assets including securities, derivative products and</b>	RW: (1) Unbound (2) None (3) Unbound <b>(4) Unbound except as indicated in the horizontal section</b>	RW: (1) None (2) None (3) None <b>(4) Unbound except as indicated in the horizontal section</b>	

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
<b>other negotiable instruments (</b>			
<b>(h) Money broking (81339*)</b>	<b>UG:</b>  (1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	<b>UG:</b>  (1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
<b>(k) Advisory and other auxiliary financial services</b>	<b>KE, RW:</b>  (1) None (2) None (3) None  (4) Unbound except as indicated in the horizontal section	<b>KE, RW:</b>  (1) None (2) None (3) None KE: Unbound RW: None (4) Unbound except as indicated in the horizontal section	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
<u>A.Hotels and restaurants (incl. catering) (CPC Ver 2.1 - 631)</u>  UG, URT: Hotels of four stars and above <sup>2</sup>	<b>BU, KE, RW, UG:</b>  (1) None (2) None (3) None	<b>BU, KE, RW, UG:</b>  (1) None (2) None (3) None	

<sup>2</sup> Applies exclusively to hotels of 4 stars and above as defined in the Criteria for Standardization of Hotels, Restaurants and other Tourism Facilities of East Africa.

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
	<b>UG: Unbound except as indicated in the horizontal section</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(4) Unbound except as indicated in the horizontal section</b>	
<u>B. Travel agencies and tour operators' services (CPC 7471)</u>	BU, KE, RW, UG:  (1) None (2) None (3) None UG: Unbound, except as indicated in the horizontal section (4) Unbound except as indicated in the horizontal section	BU, KE, RW, UG:  (1) None (2) None (3) None  (4) Unbound except as indicated in the horizontal section	
<u>C. Tourist guides services (CPC 7472)</u>	BU, KE:  (1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	BU, KE:  (1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
<b>11. TRANSPORT SERVICES</b>			
<u>A. Maritime Transport Services</u>	KE:  (1) Unbound (2) None	KE:  (1) Unbound (2) 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
<b>(d) Maintenance and repair of vessels</b>	<b>(3)</b> - Joint venture requirement with nationals, with foreigners as minority shareholders. - Foreigners holding management and technical roles should not exceed 10% of management and technical positions. - Foreign workforce not to exceed 10% of entire workforce.  <b>(4) Unbound</b>	<b>(3) KE: Unbound</b>          <b>(4) Unbound</b>	
<b>B. Inland waterways Transport Services</b>	<b>BU, RW, UG:</b>	<b>BU, RW, UG:</b>	
<b>(a) Passenger transportation (7221)</b>	<b>(1)</b> BU, RW: Unbound UG: None	<b>(1)</b> BU, RW: Unbound UG: None	
<b>(b) Freight transportation (7222)</b>	<b>(2) None</b> <b>(3)</b> BU: Joint venture requirement with nationals	<b>(2) None</b> <b>(3)</b> BU, UG: Requirement for transfer of know-how and technology	
<b>(c) Rental of vessels with crew (7223)</b>	RW: None UG: Unbound except as indicated in the horizontal section	RW: None	
<b>(d) Maintenance and repair of vessels (8868*)</b>	<b>(4) Unbound except as indicated in the horizontal section</b>	<b>(4) Unbound except as indicated in the horizontal section</b>	
<b>Pushing and towing services (7224)</b>	<b>RW, UG:</b>	<b>RW, UG:</b>	
	<b>(1)</b> RW: Unbound*	<b>(1)</b> RW: Unbound*	

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
	<b>UG: None</b> <b>(2) None</b> <b>(3)</b> <b>RW: None</b> <b>UG: Unbound except as indicated in the horizontal section</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>UG: None</b> <b>(2) None</b> <b>(3)</b> <b>RW: None</b> <b>UG: Requirement for transfer of know-how and technology</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
<b>Supporting services for internal waterway transport (745*)</b>	<b>RW, UG:</b> <b>(1)</b> <b>RW: Unbound</b> <b>UG: None</b> <b>(2) None</b> <b>(3)</b> <b>RW: None</b> <b>UG: Unbound except as indicated in the horizontal section</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>RW, UG:</b> <b>(1)</b> <b>RW: Unbound</b> <b>UG: None</b> <b>(2) None</b> <b>(3)</b> <b>RW: None</b> <b>UG: Requirement for transfer of know-how and technology</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
<b><u>C. Air Transport Services</u></b> <sup>3</sup>	<b>KE:</b>  <b>(1) Unbound*</b> <b>(2) None</b> <b>(3) Unbound</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>KE:</b>  <b>(1) Unbound*</b> <b>(2) None</b> <b>(3) Unbound</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
(d) Maintenance and repair of aircraft	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) Unbound</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>(1) Unbound*</b> <b>(2) None</b> <b>(3) Unbound</b> <b>(4) Unbound except as indicated in the horizontal section</b>	

<sup>3</sup> As defined in paragraph 6 of the Annex on Air Transport Services.

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
(e) Supporting services for air transport - Selling and marketing of air transport services  - Computer reservation system (CRS) services	KE: (1) None (2) None (3) Unbound, except for advertising activities and the setting up of regional sales offices <b>(4) Unbound except as indicated in the horizontal section</b>  KE: (1) None (2) None (3) Unbound <b>(4) Unbound except as indicated in the horizontal section</b>	KE: (1) None (2) None (3) Unbound, except for the activities referred under market access <b>(4) Unbound except as indicated in the horizontal section</b>  KE: (1) None (2) None (3) Unbound <b>(4) Unbound except as indicated in the horizontal section</b>	
<u><b>E. Rail Transport Services</b></u>  <b>d. Maintenance and repair of rail transport equipment</b>	<b>KE, RW:</b> (1) <b>KE, RW: Unbound</b> (2) None (3) <b>KE:</b> - Requirement for joint venture requirement with nationals, with	<b>KE, RW:</b> (1) <b>KE, RW: Unbound</b> (2) None (3) <b>KE:</b> - Requirement for transfer of know-how and technology	

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
	<b>foreigners as minority shareholders</b> <b>- Requirement to incorporate locally as a limited liability company</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>- Requirement to offer on-the-job training for national employees</b>  <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b>	
<u>F. Road Transport Services</u>  (a) Passenger transportation  (b) Freight transportation  (c) Rental of commercial vehicles with operator  (d) Maintenance and repair of road transport equipment  (e) Supporting services for road transport services	<b>BU, KE, RW:</b>  <b>(1) Unbound*</b> <b>(2) None</b> <b>(3)</b> <b>BU: Joint venture requirement with nationals</b> <b>KE: Requirement to incorporate locally as a limited liability company</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>BU, KE, RW:</b>  <b>(1) Unbound*</b> <b>(2) None</b> <b>(3)</b> <b>BU, KE: Requirement for transfer of know-how and technology</b> <b>RW: None</b>  <b>(4) Unbound except as indicated in the horizontal section</b>	

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><b>G. Pipeline Transport</b></u>  <b>(b) Transportation of other goods</b>	<b>KE, RW:</b>  <b>(1)</b> <b>KE, RW: Unbound</b> <b>(2) None</b> <b>(3)</b> <b>KE:</b> <ul style="list-style-type: none"> <li>- Joint venture requirement with nationals</li> <li>- Requirement to incorporate locally as a limited liability company</li> </ul> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>KE, RW:</b>  <b>(1)</b> <b>KE, RW: Unbound</b> <b>(2) None</b> <b>(3)</b> <b>KE:</b> <ul style="list-style-type: none"> <li>- Requirement for transfer of know-how and technology</li> <li>- Requirement to offer on-the-job training for national employees</li> </ul> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	
<u><b>H. Services auxiliary to all modes of transport</b></u>  <b>(a) Cargo-handling services</b> <b>(b) Storage and warehouse services</b> <b>(c) Freight transport agency services</b>	<b>BU, RW:</b>  <b>(1)</b> <b>BU, RW: Unbound</b> <b>(2) None</b> <b>(3)</b> <b>BU: Joint venture requirement with nationals</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	<b>BU, RW:</b>  <b>(1)</b> <b>BU, RW: Unbound</b> <b>(2) None</b> <b>(3)</b> <b>BU: transfer of know-how and technology</b> <b>RW: None</b> <b>(4) Unbound except as indicated in the horizontal section</b>	