

Trade in Services

Original: Spanish

BOLIVIA

Schedule of Specific Commitments

Supplement 2

(This is authentic in Spanish only)

The following text is to be included in document GATS/SC/12 as the section on financial services.

BOLIVIA

SPECIFIC COMMITMENTS - CONDITIONAL OFFER

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>A. Insurance and insurance-related services</u></p> <p>(a)Direct insurance (including co-insurance):</p> <p>(1)Life insurance and insurance of persons.</p> <p>(2)Insurance other than life insurance and insurance of persons.</p>	<p>The activities and operation of insurance companies, intermediaries and auxiliary services are subject in each case to express prior authorization by the Office of the Supervisor of Insurance.</p> <p>Insurance companies must put up capital in an amount set by the Office of the Supervisor of Insurance and Reinsurance, and must invest their capital and reserves in the areas and under conditions laid down by the relevant laws and regulations.</p> <p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)None, except that foreign suppliers must set up as branch offices or companies legally constituted in the country.</p> <p>The decision on the right of establishment will take account of the economic advantages for the country and the specific needs of the domestic insurance market.</p> <p>Suppliers must adopt one of the following legal forms exclusively:</p> <p>(a)Public limited company established in the country or abroad;</p> <p>(b)cooperative or mutual fund.</p>	<p>Foreign companies must present their books of account to the relevant national bodies independently of the parent company.</p> <p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)Unbound</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)Reinsurance and retrocession.	<p>Agencies and representative offices are prohibited. The concepts of branch office, agency and representative office are to be understood as defined in national law.</p> <p>(4)Unbound</p> <p>(1)None, except registration with the Office of the Supervisor of Insurance and Reinsurance.</p> <p>(2)None, except registration with the Office of the Supervisor of Insurance and Reinsurance.</p> <p>(3)The same as for direct insurance companies.</p>	<p>(4)Unbound</p> <p>(1)None</p> <p>(2)None</p> <p>(3)None, except that branch offices must maintain a minimum amount of capital and reserves in the country for their operations.</p>	
(c)Insurance intermediation	(4)Unbound	(4)Unbound	
(1)Insurance brokers and agents.	(1)Unbound	(1)Unbound	
(2)Reinsurance brokers.	(2)Unbound	(2)Unbound	
(3)None	(3)None	(3)Unbound	
(4)Unbound	(4)Unbound	(4)Unbound	
(1)None, except registration with the Office of the Supervisor of Insurance and Reinsurance.	(1)None, except registration with the Office of the Supervisor of Insurance and Reinsurance.	(1)Unbound	
(2)None, except registration with the Office of the Supervisor of Insurance and Reinsurance.	(2)None, except registration with the Office of the Supervisor of Insurance and Reinsurance.	(2)Unbound	
(3)None	(3)None	(3)Unbound	
(4)Unbound	(4)Unbound	(4)Unbound	
(d)Services auxiliary to insurance			

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
(1) Loss investigation, adjustment and settlement, damage investigation, etc.	(1) None, except registration with the Office of the Supervisor of Insurance and Reinsurance. (2) None, except registration with the Office of the Supervisor of Insurance and Reinsurance. (3) None (4) None	(1) None (2) None (3) Unbound (4) None	
(2) Consultancy, actuarial, auditing, valuation, risk classification and other services.	(1) Unbound (2) Unbound (3) None (4) Unbound	(1) Unbound (2) Unbound (3) Unbound (4) Unbound	

B. Banking and other financial services (excluding insurance and securities)

In Bolivia, financial intermediation and auxiliary financial services are conducted through legally constituted entities authorized to operate in the national territory, whether domestic or foreign. The State body with the legal power to approve the establishment of such entities and to authorize their operation is the Office of the Supervisor of Banks and Financial Entities.

The concepts of financial intermediation, auxiliary financial services, branch office of a foreign bank, agency of a foreign bank and representative office are to be understood as defined by the law.

All subsectors indicated in this section

(3)According to national law, commercial presence of foreign financial entities depends on the four following criteria: (a) constitution of a public limited company which is at least partly foreign owned, identified simply as a banking financial entity, a non-banking financial entity or an auxiliary financial services entity; (b) the setting up of a branch office of a foreign financial entity; (c) the setting up of an agency of a foreign financial entity; (d) the setting up of representative offices.

Branch offices of financial entities must maintain a minimum amount of capital and reserves in the country for their operations in accordance with the relevant regulations.

Subject to authorization by the Office of the Supervisor of Banks and Financial Entities, the activities of representative offices shall be limited to business and services promotion.

(a)Acceptance of deposits and other repayable funds from the public.

- (1)Unbound
- (2)Unbound
- (3)Agencies of foreign banks may only provide this service to non-residents.
- (4)Unbound, except as indicated in the horizontal

- (1)Unbound
- (2)Unbound
- (3)None
- (4)Unbound, except as indicated in

<p>(b)Lending of all types, including consumer credit, mortgage credit and financing of commercial transactions.</p> <p>(c)Financial leasing, factoring, general deposit warehouses and money exchanges.</p>	<p>section.</p> <p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)None</p> <p>(4)Unbound, except as indicated in the horizontal section.</p> <p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)Supplementary and/or auxiliary financial service activities of financial entities in Bolivia are conducted through entities legally established in the national territory.</p> <p>(4)Unbound, except as indicated in the horizontal section.</p>	<p>the horizontal section.</p> <p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)None</p> <p>(4)Unbound, except as indicated in the horizontal section.</p> <p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)None</p> <p>(4)Unbound, except as indicated in the horizontal section.</p>	
<p>(d)All payment and money transmission services.</p> <p>(e)Guarantees and business agreements.</p>	<p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)Supplementary and/or auxiliary financial service activities of financial entities in Bolivia are conducted through entities legally established in the national territory.</p> <p>(4)Unbound, except as indicated in the horizontal section.</p> <p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)Entities offering guarantee and business agreement services in Bolivia must comply with the legal provisions in force.</p>	<p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)None</p> <p>(4)Unbound, except as indicated in the horizontal section.</p> <p>(1)Unbound</p> <p>(2)Unbound</p> <p>(3)None</p>	

	(4)Unbound, except as indicated in the horizontal section.	(4)Unbound, except as indicated in the horizontal section.	
<u>C.Securities services</u>			
The Securities Market Law provides for a securities exchange and an over-the-counter securities market, and regulates public issue of securities, intermediation of securities, the securities exchange, stockbrokers, fund managers, investment funds, securitization companies, securitization, risk assessors, issuers, securities depository enterprises and other activities and natural or juridical persons operating on the securities market of the Republic of Bolivia.			
<u>SECURITIES</u>			
(f)Trading for own account (under special regulations) or for account of customers, in an over-the-counter market or otherwise: -Securities market financial instruments for the following types of transactions: purchase and sale; auction; contango; operations involving securities trusts; other financial instruments.	(1)Unbound (2)Unbound (3)In accordance with the Commercial Code, companies constituted abroad wishing to set up in Bolivia and to engage in stock exchange operations must be legally constituted in the country as public limited companies, must have an opening capital, must meet the requirements laid down by the law and must be registered and approved by the Office of the Supervisor of Securities as stockbrokers. (4)Security market transactions must be conducted through a stockbroker (financial intermediary).	(1)Unbound (2)Unbound (3)None (4)Unbound	
(g)Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues.	(1)Unbound (2)Unbound (3)Issues are subject to the regulations laid down by the Office of the Supervisor of Securities beginning with the negotiation of the registration of new securities. For public offerings of securities, the issuer must be registered.	(1)Unbound (2)Unbound (3)None	

securities).	(3)The purpose of risk assessment companies is to assess securities in terms of risk on the securities market. They must obtain an authorization from the Office of the Supervisor of Securities in accordance with Title VI, Article 62 of the Securities Market Law. (4)Unbound	(3)None (4)Unbound	
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