

**BRAZIL**

**Schedule of Specific Commitments**

(This is authentic in English only)

---



**BRAZIL - 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
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p><u>Movement of Natural Persons</u></p> <p>4)Unbound, except for measures related to specialized technicians, highly qualified professionals, managers and directors</p> <p>Foreign specialized technicians and highly qualified professionals may work under a temporary contract with legal entities, whether of national or foreign capital, established in Brazil. The pertinent contract must be approved by the Ministry of Labour. Approval of contracts of specialized technicians and highly qualified professionals takes into account the compatibility of their qualifications with the area of business in which the company is engaged. The company must justify the need to contract such professionals and technicians in relation to similar professionals and technicians available in Brazil.</p>	<p>4)Unbound, except as indicated in the market access column</p>	

BRAZIL (continued)

	<p>Juridical persons must obey the proportionality of at least two Brazilians for three employees when engaged in the following activities listed in this offer: communications; land transportation; commercial stores in general; commercial offices; insurance; advertising; hotels and restaurants.</p> <p>Managers and Directors appointed to affiliates of foreign companies established in Brazil will be granted access under the following conditions: designation to a position with full decision-making power; vacancy of such position; existence of associate link between the service provider in the Brazilian territory and its headquarters abroad; proof by the service provider in Brazil that the Manager or Director is performing his duties after receiving the visa. Appointment of such Managers or Directors must be related to the provision of new technology, increase in productivity or the foreign company must have invested a minimum amount of US\$ 200,000.00 (amount may be adjusted in the future to a corresponding US\$ value of 1993) in Brazil.</p>		
--	--	--	--

**BRAZIL** (continued)

	<p>All other requirements, laws and regulations regarding entry, stay and work shall continue to apply.</p> <p><u>Investment</u></p> <p>3)In accordance with laws and regulations governing foreign investment, all foreign capital invested in Brazil must be registered with the Central Bank of Brazil to be eligible for remittances. The Central Bank establishes procedures related to remittances and transfer of funds abroad.</p> <p><u>Commercial Presence</u></p> <p>3)Foreign service suppliers wishing to supply a service as a juridical person must be organized as a legal entity foreseen by the Brazilian law. The Brazilian law establishes for juridical persons a separate existence from the person of its holders, thus granting the juridical person with individual existence. Consequently, a juridical person has full title and responsibility for its patrimonial rights and</p>	<p>3)None</p> <p>3)None</p>	
--	---	-----------------------------	--

BRAZIL (continued)

obligations. An entity earns the condition of private law juridical person when the correspondent incorporation act (By-Laws and/or Articles of Association) is duly filed with the appropriate Entities' Public Registry (EPR).

It is mandatory that the EPR records contain the following data on the juridical person:

- i) its denomination, purpose and location of head offices;
- ii) the description of its management, including active and passive, judicial and extra-judicial representation;
- iii) the process of amendment of the management provisions;
- iv) the provisions regarding the liability of the officers for its acts; and
- v) the provisions concerning its termination, including the destination of its assets.

**BRAZIL** (continued)

	<p>The juridical persons referred as "sole proprietorship" and "partnership" in Article XXVIII, item (1) of the General Agreement on Trade in Services are not considered as such under Brazilian law.</p> <p>A joint venture may be accomplished by a capital association through the formation of any type of business organization as set forth in the Brazilian law (usually a Private Limited Liability Company - <i>Limitada</i> - or a Corporation - <i>Sociedade Anônima</i>). A joint venture may also be carried out through a <i>consórcio</i>, which is neither a juridical person nor a form of capital association. A <i>consórcio</i> is used mainly with major contracts for rendering of services. It is a contract of two or more enterprises for a joint accomplishment of one specific undertaking. Each associate in a <i>consórcio</i> maintain its respective organizational structure.</p> <p><u>Subsidies</u></p> <p>1),2),3),4) Unbound</p>	<p>1),2),3),4) Unbound for subsidies for Research and Development</p>	
--	---	---	--

BRAZIL (continued)

<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES			
<u>A. Professional Services</u>			
b) Accounting, auditing and book-keeping (CPC 862)	<p>1) Unbound except that a foreign service supplier may cede its name to Brazilian professionals</p> <p>2) Unbound</p> <p>3) Participation of non-residents in juridical persons controlled by Brazilian nationals is not allowed. A foreign service supplier shall not use its foreign name, but may cede it to Brazilian professionals who will constitute and exercise full participation in a new juridical person within Brazil.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Special registration requirements for accountants who wish to audit such companies as financial institutions and savings and loans associations. Brazilian accounting and auditing standards must be followed.</p> <p>4) Unbound except as indicated in the horizontal section</p>	
d) Architectural services (CPC 8671)	<p>1) Unbound</p> <p>2) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p>	

**BRAZIL** (continued)

<p>e)Engineering Services</p> <p>Advisory and consultative engineering services (CPC 86721)</p>	<p>3)Foreign service suppliers must join Brazilian service suppliers in a specific type of legal entity (<i>consórcio</i>); the Brazilian partner shall maintain the leadership. The contract establishing the <i>consórcio</i> must clearly define its objective.</p> <p>4)Unbound except as indicated in the horizontal section</p> <p>1)Unbound</p> <p>2) Unbound</p> <p>3)Same conditions as in Architectural services</p> <p>4)Unbound except as indicated in the horizontal section</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>	
---	---	--	--

## BRAZIL (continued)

Industrial engineering (CPC 86725)	1) Unbound 2) Unbound 3) Same conditions as in Architectural services 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
Engineering design (CPC 86722, CPC 86723, CPC 86724)	1) Unbound 2) Unbound 3) Same conditions as in Architectural services 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
Other engineering services (CPC 86729)	1) Unbound 2) Unbound 3) Same conditions as in Architectural services 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	

**BRAZIL** (continued)

<p>g)Urban planning (CPC 8674)</p>	<p>1)Unbound 2) Unbound 3)Same conditions as in Architectural services 4)Unbound except as indicated in the horizontal section</p>	<p>1)Unbound 2) Unbound 3)None 4)Unbound except as indicated in the horizontal section</p>	
<p><b>F. <u>Other Business Services</u></b></p>			
<p>a)Advertising services (CPC 871)</p>	<p>1)Foreign participation in the production is limited to 1/3 of the footage of advertising films. Larger participation is conditional on use of Brazilian talent and production house. Advertising films must be spoken in Portuguese, unless the use of a foreign language is required by the subject of the film. 2)Unbound</p>	<p>1)Unbound 2)Unbound</p>	

## BRAZIL (continued)

	<p>3) In addition to the conditions above (1), foreign participation is limited to 49 per cent of the capital of companies established in Brazil. Leadership must remain with Brazilian partners. Professionals are subject to the Brazilian Code of Ethics of Advertising Professionals.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>3) Foreign producers must live at least 3 years in Brazil before being authorized to produce films</p> <p>4) Unbound except as indicated in the horizontal section</p>	
b) Market research and public opinion polling (CPC 864)	<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>	
c) Management consulting (CPC 865)	<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>	

**BRAZIL** (continued)

<p>d)Services related to Management Consulting</p> <p>Project management (CPC 86601)</p>	<p>1)Unbound</p> <p>2) Unbound</p> <p>3)Companies must be registered with the Regional Council of Administrators</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>o)Building cleaning (CPC 874)</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>t)Other</p> <p>Translation and interpretation services (excluding official translators) (CPC 87905)</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>	

## BRAZIL (continued)

<p>2.COMMUNICATION SERVICES</p> <p><u>B.Courier Services</u> (CPC 75121)</p> <p>Pick-up, transport and delivery of letters, postcards and grouped correspondence, as well as issuance of stamps and other postage payments are not included</p>	<p>1)None</p> <p>2) Unbound</p> <p>3)None</p> <p>4)Unbound except as indicated in the horizontal section</p>	<p>1)None</p> <p>2) Unbound</p> <p>3)None</p> <p>4)Unbound except as indicated in the horizontal section</p>	
<p>3.CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p><u>A.General construction work for buildings</u> (CPC 512)</p>	<p>1)Unbound</p> <p>2) Unbound</p>	<p>1)Unbound</p> <p>2)Unbound</p>	

**BRAZIL** (continued)

	3)Access will be granted 5 years after entering into force of Agreement establishing the World Trade Organization. No limitations after that date.	3)None	
	4)Unbound except as indicated in the horizontal section	4)Unbound except as indicated in the horizontal section	
B. <u>General construction work for civil engineering</u> (CPC 513)	1)Unbound	1)Unbound	
	2) Unbound	2) Unbound	
C. <u>Installation, assembly work and maintenance and repair of fixed structures</u> (CPC 514, CPC 516)	3)Access will be granted 5 years after entering into force of Agreement establishing the World Trade Organization. No limitations after that date.	3)None	
E. <u>Other</u> (CPC 511)	4)Unbound except as indicated in the horizontal section	4)Unbound except as indicated in the horizontal section	

## BRAZIL (continued)

4.DISTRIBUTION SERVICES			
<u>B.Wholesale Trade Services</u> (CPC 622)	1)Unbound	1)Unbound	
Excluding CPC 62271 - Wholesale trade services of solid, liquid and gaseous fuels and related products	2) Unbound	2) Unbound	
	3)None	3)None	
	4)Unbound except as indicated in the horizontal section	4)Unbound except as indicated in the horizontal section	
<u>C.Retailing Services</u> (CPC 631, CPC 632)	1)Unbound	1)Unbound	
	2) Unbound	2) Unbound	
	3)None	3)None	
	4)Unbound except as indicated in the horizontal section	4)Unbound except as indicated in the horizontal section	

**BRAZIL** (continued)

<p>D. <u>Franchising</u> (CPC 8929)</p>	<p>1) Franchise contracts must be in conformity with the Industrial Property Code to be eligible for payment of royalties</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>7. FINANCIAL SERVICES</p>			
<p>A. <u>All insurance and insurance-related services</u></p>			
<p>Insurance on freight (CPC 81293)</p>	<p>1) Imports can only be insured with established companies</p> <p>2) Unbound</p> <p>3) Specific type of legal entity (Sociedade Anônima - S.A.) required. Foreign participation is limited to 50 per cent of the capital of a company and to 1/3 of its voting stock.</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>	

## BRAZIL (continued)

Life insurance (CPC 81211)	1) Unbound 2) Unbound 3) Same conditions as in Insurance on Freight 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
Medical care (CPC 81291)	1) Unbound 2) Unbound 3) Same conditions as in Insurance on Freight 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
Property Insurance (CPC 81292, CPC 81294, CPC 81295, CPC 81296)	1) Unbound 2) Unbound 3) Same conditions as in Insurance on Freight 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	

**BRAZIL** (continued)

<p>Liability Insurance (CPC 81297)</p>	<p>1)Unbound 2) Unbound 3)Same conditions as in Insurance on Freight 4)Unbound except as indicated in the horizontal section</p>	<p>1)Unbound 2) Unbound 3)None 4)Unbound except as indicated in the horizontal section</p>	
<p>Auxiliary services - agencies and brokers (CPC 81401)</p>	<p>1)Unbound 2) Unbound 3)Natural persons only 4)Unbound except as indicated in the horizontal section</p>	<p>1)Unbound 2) Unbound 3)None 4)Unbound except as indicated in the horizontal section</p>	
<p>Auxiliary services - consultancy, actuarial and surveys (CPC 81402, CPC 81404)</p>	<p>1)None 2) None 3)None 4)Unbound except as indicated in the horizontal section</p>	<p>1)None 2) None 3)None 4)Unbound except as indicated in the horizontal section</p>	

## BRAZIL (continued)

B. <u>Banking and other Financial Services</u>			
Financial institutions subject to this commitment are classified as commercial bank, investment bank, consumer finance company, housing finance company, financial leasing company, brokers and dealers, and each may perform only those activities permitted by the Banco Central do Brasil or by the Conselho Monetário Nacional. Multiple banks may be formed with a minimum of any two of the following portfolios, each corresponding to a commercial bank, investment bank, consumer finance company or a housing finance company.			
<p>-Acceptance of the following funds from the public:</p> <ul style="list-style-type: none"> <li>i) demand deposits</li> <li>ii) time deposits</li> <li>iii) financing of commercial transactions</li> </ul> <p>-Lending of all types, including:</p> <ul style="list-style-type: none"> <li>i) consumer credit</li> <li>ii) mortgage credit</li> <li>iii) financing of commercial transactions</li> </ul> <p>-Financial leasing</p>	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) The establishment of new branches and subsidiaries of foreign financial institutions as well as increases in the percentage of the participation of foreign persons and firms in the capital stock of Brazilian financial institutions is not permitted. The number of branches in Brazil of each foreign bank is limited to the number existing on October 5th 1988</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) An individual network for Automatic Teller Machines (ATMs) may only be set up by Brazilian banks for use of clients of that bank. Banks controlled by foreign capital and branches of foreign banks may share facilities with other banks on a minority basis.</li> </ul> <p>Minimum requirements for paid-in capital and net worth applicable to branches of foreign banks as well as to commercial banks and commercial banks portfolios of multiple banks controlled by foreign capital are twice those established for Brazilian banks.</p>	

**BRAZIL** (continued)

<p>-Payment and money transmission services carried out by financial institutions</p> <p>-Guarantees and commitments</p> <p>-Trading for own account or for account of customers, whether on an exchange or in an over-the-counter market, including:</p> <p>i)money market instruments</p> <p>ii)foreign exchange</p> <p>iii)futures and options</p> <p>iv)exchange rate and interest rate instruments</p> <p>v)transferable securities</p> <p>vi)other negotiable instruments and financial assets, including bullion</p>	<p>4)Unbound except as indicated in the horizontal section</p>	<p>Permission for a service supplier of another Member to expand existing operations or conduct new activities may be denied by the Banco Central do Brasil or authorized on terms and conditions less favourable than those applied to Brazilian service suppliers.</p> <p>4)Unbound except as indicated in the horizontal section</p>	
---	--	---	--

**BRAZIL** (continued)

<p>-Participation in public issues of all kinds of securities, including underwriting and placement as agent, and provision of services related to such issues</p> <p>-Brokerage of foreign exchange</p> <p>-Portfolio management and custodial and depository services</p> <p>-Investment and portfolio research and advice</p>	<p>1)Unbound</p> <p>2)Unbound</p> <p>3)The establishment of new branches and subsidiaries of foreign financial institutions as well as increases in the percentage of the participation of foreign persons and firms in the capital stock of Brazilian financial institutions is not permitted. The number of branches in Brazil of each foreign bank is limited to the number existing on October 5th</p> <p>4)Unbound except as indicated in the horizontal section</p>	<p>1)Unbound</p> <p>2)Unbound</p> <p>3)An individual network for Automatic Teller Machines (ATMs) may only be set up by Brazilian banks for use of clients of that bank. Banks controlled by foreign capital and branches of foreign banks may share facilities with other banks on a minority basis.</p> <p>Minimum requirements for paid-in capital and net worth applicable to branches of foreign banks as well as to commercial banks and commercial banks portfolios of multiple banks controlled by foreign capital are twice those established for Brazilian banks.</p> <p>Permission for a service supplier of another Member to expand existing operations or conduct new activities may be denied by the Banco Central do Brasil or authorized on terms and conditions less favourable than those applied to Brazilian service suppliers.</p> <p>4)Unbound except as indicated in the horizontal section</p>	
--	---	---	--

**BRAZIL** (continued)

<p>9.TOURISM AND TRAVEL RELATED SERVICES</p> <p>A.<u>Hotels and Restaurants</u></p> <p>-Hotels (CPC 641)</p> <p>-Restaurants (CPC 642)</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>1)Unbound</p> <p>2) Unbound</p> <p>3)Brazilian firms operating in the Amazon and North-eastern regions benefit from certain tax credit incentives. Other incentives are limited to firms with majority of capital held by Brazilian citizens or legal entities.</p> <p>4)Unbound except as indicated in the horizontal measures</p> <p>1)Unbound</p> <p>2) Unbound</p> <p>3)Brazilian firms operating in the Amazon and North-eastern regions benefit from certain tax credit incentives. Other incentives are limited to firms with majority of capital held by Brazilian citizens or legal entities.</p>	
--	--	---	--

## BRAZIL (continued)

<p>11. TRANSPORT SERVICES</p> <p><u>E. Rail Transport Services</u></p> <p>Rail freight (CPC 71121, CPC 71123, CPC 71129)</p> <p><u>F. Road Transport Services</u></p> <p>Road Freight (CPC 71231, CPC 71233, CPC 71234)</p>	<p>4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) Governmental authorization required. The granting of new authorizations is discretionary. The number of service suppliers may be limited.</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) Unbound</p>	<p>4) Unbound except as indicated in the horizontal measures</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>	
---	---	---	--

**BRAZIL** (continued)

	3)Foreign participation is limited to 1/5 of the voting shares of Brazilian companies engaged in this activity	3)None	
	4)Unbound except as indicated in the horizontal section	4)Unbound except as indicated in the horizontal section	
<u>G.Pipeline Transport</u> (CPC 7139) (excluding hydrocarbon products)	1)Unbound	1)Unbound	
	2) Unbound	2) Unbound	
	3)None	3)None	
	4)Unbound except as indicated in the horizontal section	4)Unbound except as indicated in the horizontal section	
<u>H.Services auxiliary to all modes of transport</u>			
a)Cargo handling (CPC 741)	1)Unbound	1)Unbound	
	2) Unbound	2) Unbound	
	3)None	3)None	
	4)Unbound except as indicated in the horizontal section	4)Unbound except as indicated in the horizontal section	

**BRAZIL** (continued)

b)Storage and warehousing (CPC 742)	1)Unbound 2) Unbound 3)None 4)Unbound except as indicated in the horizontal section	1)Unbound 2) Unbound 3)None 4)Unbound except as indicated in the horizontal section	
--	---	---	--