

ANNEX 7

TOURISM SERVICES

PREAMBLE

The State parties:

PURSUANT to Article 26 of the Protocol on Trade in Services allowing State Parties to develop Annexes for the implementation of the Protocol;

HAVING REGARD to the provisions of the Protocol on Trade in Services and to the provisions of the Protocol on the Development of Tourism;

RECOGNISING the importance of building a common approach and shared understanding in the sector of tourism services in the context of the Protocol on the Development of Tourism;

REAFFIRMING State Parties' rights and obligations under the Protocol on Trade in Services as well as those in the Protocol on the Development of Tourism;

AWARE of the contribution of the tourism sector in the SADC region and to the economies of State Parties, that a dynamic tourism sector is essential for the development of most countries, particularly developing countries, and that it is of primary importance for the increased participation of developing countries in regional and global trade in tourism services;

CONSIDERING the specificity of trade in tourism services including the comprehensive nature of the supply of services to visitors and to industries which give rise to tourism characteristic products the reliance on passenger transport and tourism distribution networks for effective access of visitors to tourism destinations and tourist destination services, in particular for the exercise of consumption abroad and the reliance on other services, in particular infrastructure-related, business, environmental and telecommunications services;

DESIRING to attract private sector investment and trade in the sector, by promoting fair competition in the provision of tourism services through better regulation by the State Parties and thereby achieving more open market regimes in the region;

SEEKING to elaborate upon the provisions of their commitments to liberalisation in trade in services with respect to measures affecting access to and use of tourism services;

ACKNOWLEDGING that sustainable tourism is imperative to tourism development

REALISING that tourism in the region has a strong emphasis on and relates strongly to the environment, and especially environmental services through the SADC Protocol on Environmental Management for Sustainable Development;

RECOGNISING that wildlife form a strong basis for tourism in the region that should be conserved and preserved by States Parties as supported by the SADC Protocol on Wildlife Conservation and Law Enforcement; and

ACKNOWLEDGING the vulnerability of Small Island Developing States,

HEREBY AGREE as follows:

Article 1

Definitions

For the purposes of this Annex:

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| “Tourism” | means the activities of persons travelling to and staying in countries outside their country of residence for not more than one consecutive year for leisure, business and other purposes; |
| “Tourism characteristic products” | means those services that would cease to exist in meaningful quantity or those for which the level of consumption would be significantly reduced in the absence of visitors, and for which statistical information seems possible to obtain; |
| “Tourism industries” | means the set of tourism characteristic products, as listed in the United Nations Central Product Classification (CPC); |
| “Sustainable development of tourism” | means the process of: <ul style="list-style-type: none">– involvement of local communities in the conception, development, enhancement, management and preservation of all destination resources used for tourism projects, in particular cultural and environmental resources;– implementation of environmental and quality standards agreed by relevant regional and international organizations for tourism projects, in accordance with the requirements of Article 6 of the Protocol on Trade in Services and Article 9 of the Protocol on the Development of Tourism; and |

- allocation of tourism revenues to prevent degradation of the destination resources and to meet the needs to supply tourism services in the future; and

“Tourism distribution networks”

means tour operators and other tourism wholesalers (both out-bound and in-bound), computer reservation systems and global distribution systems (whether or not connected to airlines or provided through the internet), travel agencies and other distributors of tourism service packages independently of whether or not they are primary affiliated to the tourism sector.

Article 2

Objective

The objective of this Annex is to ensure equitable conditions for trade in tourism services in the region, consistent with Articles 16, 18 and 19 of the Protocol on Trade in Services and Article 12 of Protocol on the Development of Tourism.

Article 3

Competitive Safeguards

1. Consistent with Article 19 of the Protocol on Trade in Services, State Parties shall adopt measures to prevent anticompetitive practices in the tourism industries, including those by suppliers of air transport services, within the scope of this Protocol, and tourism distribution network services, either individually or jointly.
2. Measures referred in Paragraph 1 shall address, *inter alia*, the following practices:
 - a) discriminatory use of information networks, including through unreasonable access charges, ancillary services to air transport, predatory pricing, or the allocation of scarce resources;
 - b) misleading or discriminatory use of information by any juridical person; and
 - c) abuse of dominance through exclusivity clauses refusal to deal, tied sales, quantity restrictions, or vertical integration.

Article 4

Consumer Protection

State Parties shall adopt adequate measures to ensure the protection of consumer rights in the territory of one State Party with respect to the service consumer of any other State Party.

Article 5

Access to and Use of Information

State Parties shall ensure that:

- a) the information provided by a State Party on tourism destinations of any other State Party is factually accurate and comprehensive; and
- b) the tourism service suppliers of any other State Party will have access on a commercial basis to computer reservation systems/global distribution systems according to transparent, reasonable and objective criteria, on a non-discriminatory basis.

Article 6

Access to Tourism-related Infrastructure and Ancillary Services

1. In liberalising trade in tourism services, State Parties undertake, *inter alia*, to:
 - a) promote the development of tourism-related transport infrastructure such as airports, sea ports and land-transport terminals and facilities;
 - b) cooperate in the development of the information, communication and technology (ICT) infrastructure such as smart electronic and online payments, necessary to support tourism development; and
 - c) cooperate in the implementation of agreements in support of tourism related services such as those of trans-frontier conservation areas.
2. In promoting intra-regional tourism, State Parties shall take necessary steps to facilitate access to tourism attraction areas such as national parks, heritage sites etc. within their territories.

Article 7

Sustainable Development of Trade in Tourism Services

In liberalising trade in tourism services, State Parties shall promote:

- a) co-operation efforts for the sustainable development of trade in tourism services at the international, regional, sub-regional and bilateral levels;
- b) participation of all SADC Member States and their suppliers of network-related, business and environmental services in international, regional, sub-regional,

bilateral and private financing programs in support of the sustainable development of tourism;

- c) collaboration in the exchange of information required for the competitive supply, regulation and sustainable development of tourism;
- d) equitable and pro-competitive trading conditions for the sustainable tourism development through the implementation of this Annex;
- e) compliance with environmental and high-quality standards established by relevant regional and international organizations; and
- f) consideration of the impact of climate change.

Article 8

Standards and Quality Assurance

1. State Parties recognize the importance of international standards for the sustainable development of tourism and undertake to promote the adoption and continued upgrading of such standards through the work of relevant regional and international bodies and non-governmental organizations.
2. In fulfilling the requirement of Paragraph 1, State Parties shall, in collaboration with the relevant regional organizations and in consultation with international tourism-related organizations, develop tourism standards and promote provision of quality products and services in the region.
3. State Parties recognize the role of national, regional, international organizations and non-governmental organizations in ensuring the safe and efficient operation of all activities in the tourism sector, in particular the International Civil Aviation Organization, the World Tourism Organization, the World Health Organization and the International Air Transport Association, State Parties shall consult, where necessary, with such organizations on matters arising from the implementation of this Annex.

Article 9

Education, Training and Human Resource Development

1. State Parties shall promote development of training curricula that respond to market demands, and develop exchange programmes among the public and private sector training institutions in the region.
2. Without prejudice to the conditions set out in the Annex 3 Movement of Natural Persons and individual State Parties' commitments in Mode 4, State Parties shall promote and facilitate movement of tourism professionals and personnel including the

exchange of tourism staff such as graduate trainees, chefs, cooks and specialized tourism officers, into and across their territories, in order to develop the necessary human resource capacity to enhance competitiveness of the tourism industry in the region.

Article 10

Mutual Recognition

State Parties shall, in line with Article 7 of the Protocol on Trade in Services, enter into mutual recognition agreements in the tourism sector that address recognition of the following, *inter alia*:

- a) academic and professional qualifications or licences of tourism personnel;
- b) standards of accommodation and other tourism facilities;
- c) technical standards and registration of safari vehicles and other transport vessels; and
- d) vehicle and travel insurance covers.

Article 11

Development of Micro, Small, Medium-sized Service Suppliers

Recognizing the role of micro, small and medium-sized services supplier in the tourism sector and national economic development, State Parties agree to promote their involvement in the development of tourism services in the region pursuant to Article 18 of the Protocol on Trade in Services.

Article 12

Trans-Frontier Conservation and Regional Value Chains

1. In liberalizing trade in the tourism sector, State Parties shall take the necessary joint measures to ensure equitable and sustainable use of environmental and bio-diversity resources, in particular those located in the trans-frontier conservation areas.
2. State Parties agree to take measures in the promotion of regional tourism value chains, where practical, in order to harness the benefits of biodiversity, ecosystems, conservation areas, natural and cultural heritage and shared tourism attractions in the region.