

Foreign Investment	3)	Investments in services other than financial services are not limited	3)
Movement of personnel	4)	Unbound, except in the following cases: enterprises that are wholly export-oriented may recruit four managerial and supervisory staff of foreign nationality, pursuant to the relevant Tunisian legislation	4)
Exercise of commercial activities	3),4)	Natural or legal persons who do not possess Tunisian nationality may engage directly or indirectly in a commercial activity only under the conditions established by the relevant Tunisian legislation (Decree Law No. 61-14 of 30 August 1961 and texts governing the various commercial activities)	3),4)

The requirements for obtaining a trader's licence are as follows:

- All foreigners must submit a file consisting, in particular, of an information sheet and documents testifying to the qualifications of the person concerned
- In the case of companies, a copy of the memorandum and articles of association is required

The criteria for issuing a trader's licence are as follows:

Licences are issued:

- To foreigners whose spouse possesses Tunisian nationality
- When the person of foreign nationality is a native resident in Tunisia for several years
- When the proposed activities will generate technology transfer and jobs and/or may help to promote exports in the services sector

Exchange control

1),2) Pursuant to Article 1 of Law No.76-18 of 21 January 1976 as amended by Law No.93-48 of 3 May 1993, there are no restrictions on transfers relating to foreign payments made in connection with:

- current transactions undertaken in conformity with the legislation governing such transactions

- the net real proceeds of the transfer or disposal of capital invested by the importation of foreign currency, even where these proceeds are greater than the amount initially invested, in the case of investments made within the context of the relevant legislation

- any exportation of capital and any transaction or commitment that gives or may give rise to a transfer, relating to transactions other than those mentioned above, as well as any foreign debt offsetting, are subject to the general authorization of the Minister of Finance given after consultation with the Central Bank of Tunisia

This authorization does not apply in the case of non-resident enterprises set up in Tunisia, which are free to carry out any capital transaction with or in a foreign country.

In the case of resident enterprises:

a) For borrowing: Noe up to a ceiling of 10 MD per calendar year for the financial institutions and 3 MD per calendar year for other enterprises, in the context of their activities.

b) For investment abroad: To support their export activities, exporting enterprises may finance liaison offices and subsidiaries abroad up to a maximum of D 200,000, depending on their export turnover.

1),2)

- The purchase of Tunisian stocks conferring a voting right or of equity in companies established in Tunisia is subject to approval by the Investment Commission if the proportion of total foreign holdings in such companies, including the purchase transaction concerned, amounts to 50 per cent or more of the company's equity. However, such approval does not apply to foreign acquisition of holdings when the company is initially set up or when its share capital is increased in accordance with the legislation in force and in the absence of horizontal limitations.

- Investment made in the form of a contribution in kind is subject to authorization, which is granted after an expert appraisal to determine the nature of the contribution and its value.

- Deposits: Non-residents may freely open foreign currency accounts in convertible dinars.

- The Central Bank of Tunisia has a monopoly with respect to monetary gold transactions.

Acquisition of land

3),4) None, except for agricultural land, which cannot be the object of appropriation by the foreigners. Nevertheless, foreigners may opt to use agricultural land within the long-term leasing system for up to 40 years renewable

3),4)

With respect to services activities that are not wholly export-oriented, the Investment Commission approves any participation exceeding 50 per cent of the equity of the company

Compliance with conditions for entry and stay of foreigners:

- Any foreign natural person wishing to engage in a salaried activity of any kind must have a contract of employment endorsed by the competent authorities

Foreign natural or legal persons wishing to engage in a trading activity in Tunisia must be in possession of a trader's licence

Legal persons possess Tunisian nationality when they fulfil the following four conditions:

- a) Are established in accordance with the laws in force and have their registered place of business in Tunisia
- b) At least 50 per cent of their share capital must consist of registered securities held by Tunisian natural or legal persons
- c) A majority of their board of directors or management or supervisory board must be natural or legal persons of Tunisian nationality
- d) Their chairman, managing director or management must be natural persons of Tunisian nationality

In the case of public limited companies and where the functions of chairman of the board of directors and those of the managing director are separated, the managing director must have resident's status within the meaning of the exchange regulations

Natural or legal persons who do not possess Tunisian nationality may not engage in the following activities, in any form whatsoever, unless otherwise permitted by the competent authority: buildings manager, commission agent,

broker, commercial agent, consignee,  
general representative, sales  
representative, commercial traveller,  
commercial representative

Unbound

The acquisition by foreign investors of land or other real estate for the purpose of developing industrial/tourist projects and other services is subject to administrative authorization. Authorization is granted after the request has been examined to ensure that it conforms with the use (tourism, agriculture, industry) reserved for the land in the national development plan