

ANNEX II
SCHEDULE OF PERU

1. Sector:	All Sectors
Sub-Sector:	
Obligations Concerned:	Most-Favored-Nation Treatment (Articles 9.4 and 10.3)
Description:	<u>Investment and Cross-Border Trade in Services</u>

Peru reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Peru reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreements in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters,¹ including salvage.

Existing Measures:

¹ For greater certainty, maritime matters include transport by lakes and rivers.

2. Sector: Indigenous Communities, Peasant, Native and Minority Affairs

Sub-Sector:

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Most-Favored-Nation Treatment (Articles 9.4 and 10.3)
Local Presence (Article 10.5)
Performance Requirements (Article 9.7)
Senior Management and Board of Directors (Article 9.6)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities and ethnic groups. For purposes of this entry, “ethnic groups” means indigenous, native, and peasant communities.

Existing Measures:

3. Sector: Fishing and Services related to Fishing

Sub-Sector:

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Most-Favored-Nation Treatment (Articles 9.4 and 10.3)
Performance Requirements (Article 9.7)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to artisanal fishing.

Existing Measures:

4. Sector:	Cultural Industries
Sub-Sector:	
Obligations Concerned:	Most-Favored-Nation Treatment (Articles 9.4 and 10.3)
Description:	<u>Investment and Cross-Border Trade in Services</u>

For purposes of this entry, the term “cultural industries” means:

- (a) publication, distribution, or sale of books, magazines, periodical publications, or printed or electronic newspapers, excluding the printing and typesetting of any of the foregoing;
- (b) production, distribution, sale, or display of recordings of movies or videos;
- (c) production, distribution, sale, or display of music recordings in audio or video format;
- (d) production and presentation of theatre arts²;
- (e) production and exhibition of visual arts;
- (f) production, distribution, or sale of printed music scores or scores readable by machines;
- (g) design, production, distribution and sale of handicrafts; or
- (h) radiobroadcasts aimed at the public in general, as well as all radio, television, and cable television-related activities, satellite programming services, and broadcasting networks.

Peru reserves the right to adopt or maintain any measure giving preferential treatment to persons of other countries pursuant to any existing or future bilateral or multilateral international agreement regarding cultural industries, including audio-visual cooperation agreements.

For greater certainty, Articles 9.3 (National Treatment) and 9.4 (Most-Favored-Nation Treatment) and Chapter Ten (Cross-Border Trade in Services) shall not apply to

² The term “theatre arts” means live performances or presentations such as drama, dance or music.

government support for the promotion of cultural industries.

Existing Measures:

5. Sector: Handicraft Industries

Sub-Sector:

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Performance Requirements (Article 9.7)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to the design, distribution, retailing, or exhibition of handicrafts that are identified as Peruvian handicrafts.

Performance requirements shall in all cases be consistent with the Agreement on Trade-Related Investment Measures (TRIMs Agreement).

Existing Measures:

6. Sector: Audio-Visual Industry

Sub-Sector:

Obligations Concerned: National Treatment (Article 10.2)
Performance Requirements (Article 9.7)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure whereby a specified percentage (up to 20 percent) of the total cinematographic works shown on an annual basis in cinemas or exhibition rooms in Peru consist of Peruvian cinematographic works. In establishing such percentage, Peru shall take into account factors including the national cinematographic production, the existing exhibition infrastructure in the country and attendance.

Existing Measures:

7. Sector: Jewelry Design
Theater arts
Visual arts
Music
Publishing

Sub-Sector:

Obligations Concerned: National Treatment (Article 10.2)
Performance Requirements (Article 9.7)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure conditioning the receipt or continued receipt of government support for the development and production of jewelry design, theater arts, visual arts, music, and publishing on the recipient achieving a given level or percentage of domestic creative content.

Existing Measures:

8. Sector: Audio-Visual Industry
Publishing
Music

Sub-Sector:

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Most-Favored-Nation Treatment (Articles 9.4 and 10.3)

Description: Investment and Cross-Border Trade in Services

Peru may adopt or maintain any measure that affords a person of the other Party the treatment that is afforded by that Party to Peruvian persons in the audiovisual, publishing, and music sectors.

Existing Measures:

9. Sector: Social Services

Sub-Sector:

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Most-Favored-Nation Treatment (Articles 9.4 and 10.3)
Local Presence (Article 10.5)
Performance Requirements (Article 9.7)
Senior Management and Board of Directors (Article 9.6)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose: income security and insurance, social security, social welfare, public education, public training, health, and childcare.

Existing Measures:

10. Sector: Public Supply of Potable Water

Sub-Sector:

Obligations Concerned: Local Presence (Article 10.5)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to the public supply of potable water.

Existing Measures:

11. Sector: Public Sewage Services

Sub-Sector:

Obligations Concerned: Local Presence (Article 10.5)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to public sewage services.

Existing Measures:

12. Sector: Telecommunications Services

Sub-Sector:

Obligations Concerned: Most-Favored-Nation Treatment (Article 10.3)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to the granting of a concession for the installation, operation and exploitation of public telecommunication services.

Existing Measures:

13. Sector: Education Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 10.2)
Most-Favored-Nation Treatment (Article 10.3)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to natural persons who render educational services, including teachers and auxiliary personnel rendering educational services in basic and superior education including “educación técnico-productiva” (technical and productive training) as well as other people who render services related to education included sponsors of educational institutions of any level or stage of the educational system.

Existing Measures:

14. Sector: Transportation Services
Sub-Sector: Road Transportation Services
Obligations Concerned: National Treatment (Article 10.2)
Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure that authorizes only Peruvian natural or juridical persons to supply land transportation of persons or merchandise inside the territory of Peru (“cabotage”). For this, the enterprises shall use vehicles registered in Peru.

Existing Measures:

15. Sector:	Transportation
Sub-Sector:	International Road Transportation Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favored-Nation Treatment (Articles 9.4 and 10.3) Local Presence (Article 10.5)
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>Peru reserves the right to adopt or maintain any measure relating to the international land transportation of cargo or passengers in border areas.</p> <p>Additionally, Peru reserves the right to adopt or maintain the following limitations for the supply of international land transportation from Peru:</p> <ul style="list-style-type: none"> (a) the service supplier must be a Peruvian natural or juridical person; (b) the service supplier must have a real an effective domicile in Peru; and (c) in the case of juridical persons, the service supplier must be legally constituted in Peru and more than 50 percent of its capital stock must be owned by Peruvian nationals and its effective control must be by Peruvian nationals.

Existing Measures:

16. Sector:	All Sectors
Sub-Sector:	
Obligations Concerned:	Market Access (Article 10.4)
Description:	<u>Cross-Border Trade in Services</u>

Peru reserves the right to adopt or maintain any measure relating to Article 10.4 (Market Access), except for the following sectors and sub-sectors subject to the limitations and conditions listed below:

Legal services: For (a) and (c): None, except that the number of notary positions is limited as follows:

- (i) 200 for the capital;
- (ii) 40 for each department capital; and
- (iii) 20 for each provincial capital (including the Constitutional Province of Callao).

For (b): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Accounting, auditing and book-keeping services: For (a), (b), (c) and (d): Peru reserves the right to adopt or maintain any measure that is not inconsistent with Peru’s obligations under Article XVI of GATS.

Architectural services and urban planning and landscape architectural services: For (a), (b) and (c): None, except that for temporary registration, non-resident foreign architects must have a contract of association with a Peruvian architect residing in Peru. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Engineering services and Integrated Engineering services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Veterinary Services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Services provided by midwives, nurses, physiotherapists, and paramedical personnel: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la*

Contratación de Trabajadores Extranjeros”.

Computer and Related Services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Real Estate Services: Involving owned or leased property or on a fee or contract basis: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Rental/leasing services without crew/operators, related to vessels, aircraft, any other transport equipment, and other machinery and equipment:

For (a), (b) and (c): None, except that:

A “National Shipowner” or “National Ship Enterprise” is understood as a natural person of Peruvian nationality or juridical person constituted in Peru, with its principal domicile and real and effective headquarters in Peru, whose business is to provide water transportation services in national traffic or cabotage³ and/or international traffic and who is the owner or lessee under a financial lease or a bareboat charter, with an obligatory purchase option, of at least one Peruvian flag merchant vessel and that has obtained the relevant Operation Permit from the General Aquatic Transport Directorate.

Cabotage is exclusively reserved to Peruvian flagged merchant vessels owned by a National Shipowner or National Ship Enterprise or leased under a financial lease or a bareboat charter, with an obligatory purchase option, except that:

- (i) up to 25 percent of the transport of hydrocarbons in national waters is reserved for the ships of the Peruvian Navy, and
- (ii) foreign-flagged vessels may be operated exclusively by National Shipowners or National Ship Enterprise for a period of no more than six months for water transportation exclusively between Peruvian ports or cabotage when such an entity does not own its own vessels or lease vessels under the modalities previously mentioned.

For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

³ For greater certainty, water transportation includes transportation by lakes and rivers.

Advertising services: For (a), (b) and (c): None, except that: Commercial advertising produced in Peru, must use at least 80 percent national artists. National artists shall receive no less than 60 percent of the total payroll for wages and salaries paid to artists. The same percentages established in the preceding sentences shall govern the work of technical personnel involved in commercial advertising. For (d): No commitments, except as indicated in the “*Ley del Artista, Intérprete y Ejecutante*” and “*Ley para la Contratación de Trabajadores Extranjeros*”.

Market research and public opinion polling services, management consulting services, services related to management consulting, and technical testing and analysis services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Services related to agriculture, hunting, and forestry: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Services related to mining, placement and supply services of personnel, and investigation and security services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Services incidental to manufacturing:
For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Related scientific and technical consulting services:
For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Maintenance and repair of equipment (not including vessels, aircraft, or other transport equipment), building-cleaning services, photographic services, packing services and convention services:
For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Printing and publishing services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley*”

para la Contratación de Trabajadores Extranjeros”.

National or international long-distance telecommunications services: For (a), (b), (c) and (d): Peru reserves the right to adopt or maintain any measure that is not inconsistent with Peru’s obligations under Article XVI of GATS.

*Carrier telecommunications services, private telecommunications services and value added services*⁴: For (a), (b), (c): None, except for the obligation of obtaining a concession, authorization, registry or any other title which Peru considers convenient to grant in order to habilitate the suppliers to provide these services. The juridical persons constituted under Peruvian law can be eligible for a concession.

Call-back, understood as being the offer of telephone services for the realization of attempts to make calls originating in the country with the objective of obtaining a return call with an invitation to dial, coming from a basic telecommunications network located outside the national territory, is prohibited.

International traffic shall be routed through the installations of a company holding a concession or other permission for operation granted by the “Ministerio de Transporte y Comunicaciones”.

Interconnection among private services is prohibited.

For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Commission agents services (except hydrocarbons): For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Retailing services, except alcohol and tobacco: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Wholesale trade services (except hydrocarbons): For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

⁴ Value added services shall be defined in accordance with Peruvian legislation.

Franchising: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Repairment services of domestic and personal belongings: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Hotels and restaurants (including catering), travel agencies and tour operators services, and tourist guide services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Entertainment services (including theater, live bands, and circus services), news agencies services, libraries, archives, museums, and other cultural and sporting services: For (a), (b) and (c): None, except that:

- (i) any domestic theater⁵ and visual arts production and any domestic artistic live performance must be comprised of at least 80 percent national artists. National artists shall receive no less than 60 percent of the total payroll for wages and salaries paid to artists. The same percentages established in the preceding sentences shall govern the work of technical personnel involved in artistic activities. These percentages shall not apply in the case of domestic artistic live performances given by foreign casts hired as such outside Peru and whose performance constitutes the entire work or entertainment and are properly qualified as cultural performance.
- (ii) a foreign circus may stay in Peru with the original cast for a maximum of 90 days. This period may be extended for the same period of time. If it is extended, the foreign circus will include a minimum of 30 percent Peruvian nationals as artists and 15 percent Peruvian nationals as technicians. The same percentages shall apply to the payroll of salaries and wages.

For (d): No commitments, except as indicated in the “*Ley del Artista, Intérprete y Ejecutante*” and “*Ley para la*

⁵ The term “theater arts” means live performances or presentations such as drama, dance, or music.

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Exploitation of facilities for competitive and recreational sports: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Recreational parks services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Maritime and internal waterways transport services:

For (a), (b), (c) and (d): Peru reserves the right to adopt or maintain any measure that is not inconsistent with Peru’s obligations under Article XVI of GATS.

Road Transport: rental of commercial vehicles with operator, maintenance and repair of road transport equipment, and exploitation of roads, bridges and tunnels services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Services auxiliary to all transport: cargo handling services; storage and warehouse services; freight transport agency services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Aircraft repair and maintenance services: For (a): No commitments. For (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Selling and marketing of air transport services, and computer reservation system services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Pipeline transport services:

For (a), (b) and (c): None. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Research and Development services on natural sciences: For (a), (b) and (c): None, except that a permission of operation may be required and the competent authority may state the incorporation to the expedition of one or more

representatives of the Peruvian pertinent activities, in order to participate and know the studies and its scope. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Research and Development services on social sciences and humanities: For (a), (b) and (c): None, subject to the respective authorizations of the competent authority. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

Interdisciplinary Research and Development services: For (a), (b) and (c): None, except that a permission of operation may be required. For (d): No commitments, except as indicated in the “*Ley para la Contratación de Trabajadores Extranjeros*”.

For greater certainty, nothing in this reservation shall be inconsistent with Peru’s commitments under Article XVI of the GATS.

For purposes of this non-conforming measure:

1. “(a)” refers to the supply of a service from the territory of one Party into the territory of the other Party;
2. “(b)” refers to the supply of a service in the territory of a Party by one person of that Party to a person of the other Party;
3. “(c)” refers to the supply of a service in the territory of a Party by an investor of the other Party or by a covered investment; and
4. “(d)” refers to the supply of a service by a national of a Party in the territory of the other Party.

Existing Measures:
