

Annex 5  
referred to in Chapter 7

Part 1  
Schedule of Japan

1. This Schedule sets out, pursuant to paragraph 1 of Article 108, the reservations taken by Japan with respect to existing measures that do not conform with obligations imposed by:

- (a) Article 104;
- (b) Article 105;
- (c) Article 106; or
- (d) Article 107.

2. Each reservation in this Schedule sets out the following elements:

- (a) "Sector" refers to the general sector in which the reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
- (c) "Industry Classification" refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
- (d) "Type of Reservation" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
- (e) "Level of Government" indicates the level of government maintaining the measure for which the reservation is taken;

- (f) "Measures" identifies the existing laws, regulations or other measures for which the reservation is taken. A measure cited in the "Measures" element:
  - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement; and
  - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (g) "Description" sets out, with regard to the obligations referred to in paragraph 1, the non-conforming aspects of the existing measures for which the reservation is taken.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant provisions of Chapter 7 against which the reservation is taken, and the "Measures" element shall prevail over all other elements.

4. With respect to Financial Services:

- (a) For prudential reasons within the context of paragraph 1 of Article 8 of Annex 7, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant laws of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws.
- (b) Services supplied in the Area of Peru to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph 1(d)(ii) of Article 102.

5. Laws and regulations with regard to spectrum availability affecting obligations under Article 106 are not included in this Schedule, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001).

6. For the purposes of this Part, "JSIC" means Japan Standard Industrial Classification set out by the Statistics Bureau, Ministry of Internal Affairs and Communications, and revised on 6 November 2007.

1 Sector: Automobile Maintenance Business

Sub-Sector: Motor Vehicle Disassembling Repair Business

Industry Classification: JSIC 89 Automobile maintenance services

Type of Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of Government: Central Government

Measures: Road Vehicle Law (Law No. 185 of 1951), Chapter 6

Description: A person who intends to conduct motor vehicle disassembling repair businesses is required to establish a workplace in Japan and to obtain an approval of the Director-General of the District Transport Bureau having jurisdiction over the district where the workplace is located.

2 Sector: Business Services

Sub-Sector:

Industry  
Classification: JSIC 9111 Employment services  
JSIC 9121 Worker dispatching services

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Employment Security Law (Law No. 141  
of 1947), Chapters 3 and 3-3  
Port Labor Law (Law No. 40 of 1988),  
Chapter 4  
Mariner's Employment Security Law (Law  
No. 130 of 1948), Chapter 3  
Law Concerning the Improvement of  
Employment of Construction Workers  
(Law No. 33 of 1976), Chapters 5 and 6

Description: A person who intends to supply the  
following services for enterprises in  
Japan is required to have an  
establishment in Japan and to obtain  
permission from, or to submit  
notification to, the competent  
authority, as applicable:

- (a) private job placement services  
including fee-charging job  
placement services for  
construction workers; or
- (b) stevedore dispatching services,  
mariner dispatching services and  
work opportunities securing  
services for construction  
workers.

Labor supply services may be supplied  
only by a labor union which has  
obtained permission from the competent  
authority pursuant to Employment  
Security Law.

3 Sector: Collection Agency Services

Sub-Sector:

Industry  
Classification: JSIC 6619 Miscellaneous financial auxiliaries  
  
JSIC 7299 Professional services, n.e.c.

Type of  
Reservation: Market Access (Article 106)  
  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Special Measures Law Concerning Credit Management and Collection Business (Law No. 126 of 1998), Articles 3 and 4  
  
Attorney Law (Law No. 205 of 1949), Articles 72 and 73

Description: A person who intends to supply collection agency services which constitute the practice of law in respect of legal cases is required to be qualified as an attorney at law under the laws and regulations of Japan ("Bengoshi"), a legal professional corporation under the laws and regulations of Japan ("Bengoshi-hojin") or an enterprise established under the Special Measures Law Concerning Credit Management and Collection Business, and to establish an office in Japan.  
No person may take over and recover other person's credits as business except an enterprise established under the Special Measures Law Concerning Credit Management and Collection Business that handles credits pursuant to provisions of that Law.

4 Sector: Construction

Sub-Sector:

Industry  
Classification: JSIC 06 Construction work, general,  
including public and private  
construction work

JSIC 07 Construction work by  
specialist contractor, except  
equipment installation work

JSIC 08 Equipment installation work

Type of  
Reservation: Market Access (Article 106)

Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Construction Business Law (Law No. 100  
of 1949), Chapter 2

Law Concerning Recycling of  
Construction Materials (Law No. 104 of  
2000), Chapter 5

Description: 1. A person who intends to conduct  
construction business is required to  
establish a place of business in Japan  
and to obtain permission from the  
Minister of Land, Infrastructure,  
Transport and Tourism or from the  
prefectural governor having  
jurisdiction over the district where  
the place of business is located.

2. A person who intends to conduct  
demolition work business is required  
to establish a place of business in  
Japan and to be registered with the  
prefectural governor having  
jurisdiction over the district where  
the place of business is located.

5 Sector: Distribution Services

Sub-Sector: Wholesale Trade Services, Retailing Services, Commission Agents' Services, Related to Alcoholic Beverages

Industry Classification: JSIC 5222 Liquors

JSIC 5851 Liquor stores

Type of Reservation: Market Access (Article 106)

Level of Government: Central Government

Measures: Liquor Tax Law (Law No. 6 of 1953), Articles 9, 10 and 11

Description: The number of licenses conferred to service suppliers in this sub-sector may be limited.



6 Sector: Distribution Services

Sub-Sector: Wholesale Trade Services Supplied at  
Public Wholesale Market

Industry  
Classification: JSIC 521 Agricultural, animal and  
poultry farm and aquatic  
products

Type of  
Reservation: Market Access (Article 106)

Level of  
Government: Central Government

Measures: Wholesale Market Law (Law No.35 of  
1971), Articles 15, 17 and 33

Description: The number of licenses conferred to  
wholesale trade service suppliers at  
public wholesale markets may be  
limited.

7 Sector: Education, Learning Support

Sub-Sector: Higher Educational Services

Industry  
Classification: JSIC 816 Institution of higher  
education

Type of  
Reservation: Market Access (Article 106)

Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Fundamental Law of Education (Law No.  
120 of 2006), Article 6

School Education Law (Law No. 26 of  
1947), Article 2

Private School Law (Law No. 270 of  
1949), Article 3

Description: Higher educational services supplied  
as formal education in Japan must be  
supplied by formal education  
institutions. Formal education  
institutions must be established by  
school juridical persons.

"Formal education institutions" means  
elementary schools, lower secondary  
schools, secondary schools, upper  
secondary schools, universities,  
junior colleges, colleges of  
technology, special support schools  
and kindergartens.

"School juridical person" means a non-  
profit juridical person established  
for the purposes of supplying  
educational services under the law of  
Japan.

8 Sector: Financial Services

Sub-Sector: Insurance and Insurance-Related Services

Industry Classification: JSIC 672 Non-life insurance institutions

JSIC 6742 Non-life insurance agents and brokers

Type of Reservation: Market Access (Article 106)

Local Presence (Article 107)

Level of Government: Central Government

Measures: Insurance Business Law (Law No. 105 of 1995), Articles 185, 186, 275, 276, 277, 286 and 287

Cabinet Order for Enforcement of Insurance Business Law (Cabinet Order No. 425 of 1995), Articles 19 and 39-2

Ministerial Ordinance for Enforcement of Insurance Business Law (Ministerial Ordinance of the Ministry of Finance No.5 of 1996), Articles 116 and 212-6

Description: Commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:

- (a) goods being transported within Japan; and
- (b) ships of Japanese registration which are not used for international maritime transport.

9 Sector: Manufacturing

Sub-Sector: Shipbuilding and Repairing, and Marine Engines

Industry  
Classification: JSIC 3131 Shipbuilding and repairing

Type of  
Reservation: Market Access (Article 106)

Level of  
Government: Central Government

Measures: Shipbuilding Law (Law No. 129 of 1950), Articles 2, 3 and 3-2

Description: A person who intends to establish or extend docks, which can be used to manufacture or repair vessels beyond a fixed scale, is required to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a license is subject to the requirements of an economic needs test.

10 Sector: Matters Related to the Nationality of a Ship

Sub-Sector:

Industry Classification:

Type of Reservation: Market Access (Article 106)

Level of Government: Central Government

Measures: Ship Law (Law No. 46 of 1899), Article 1

Description: Nationality requirement applies to the supply of international maritime transport services (including services of passenger transportation and freight transportation) through establishment of a registered company operating a fleet flying the flag of Japan.

“Nationality requirement” means that the ship must be owned by a Japanese national, or a company established under the law of Japan, of which all the representatives and not less than two-thirds of the executives administering the affairs are Japanese nationals.

11 Sector: Measuring Services

Sub-Sector:

Industry  
Classification: JSIC 7441 Commodity inspection services  
JSIC 745 Surveyor certification

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Measurement Law (Law No. 51 of 1992),  
Chapters 3, 5, 6 and 8  
Regulations on Measurement Law  
(Ministerial Ordinance of the Ministry  
of International Trade and Industry  
No. 69 of 1993)  
Ministerial Ordinance for Designated  
Inspection Body, Designated  
Verification Body, Designated  
Measurement Certification Inspection  
Body and Specified Measurement  
Certification Accreditation Body  
(Ministerial Ordinance of the Ministry  
of International Trade and Industry  
No. 72 of 1993)

Description: 1. A person who intends to supply  
services of conducting the periodic  
inspection of specified measuring  
instruments is required to establish a  
legal person in Japan and to be  
designated by the prefectural governor  
having jurisdiction over the district  
where the person intends to conduct  
such inspection, or by the mayor of a  
designated city or the chief of a  
designated ward or village in case the  
place where the person intends to  
conduct such inspection is located  
within the district of such designated  
city, ward or village.

2. A person who intends to supply services of conducting the verification of specified measuring instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.

3. A person who intends to conduct measurement certification business, including specified measurement certification business, is required to have an establishment in Japan and to be registered with the prefectural governor having jurisdiction over the district where the establishment is located.

4. A person who intends to supply services of conducting the inspection of specified measuring instruments used for the measurement certification is required to establish a legal person in Japan and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct such inspection.

5. A person who intends to supply services of conducting the accreditation for a person engaged in specified measurement certification business is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.

6. A person who intends to supply services of conducting the calibration of measuring instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.

12 Sector: Medical, Health Care and Welfare

Sub-Sector:

Industry  
Classification: JSIC 8599 Miscellaneous social insurance, social welfare and care services

Type of reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of Government: Central Government

Measures: Law Concerning Collection of Labor Insurance Premium (Law No. 84 of 1969), Chapter 4  
Enforcement Regulations for the Law Concerning Collection of Labor Insurance Premium (Ministerial Ordinance of the Ministry of Labour No. 8 of 1972)

Description: Only an association of business proprietors or a federation of such associations approved by the Minister of Health, Labour and Welfare under the laws and regulations of Japan may conduct labor insurance businesses entrusted by business proprietors. An association which intends to conduct such labor insurance businesses under the laws and regulations of Japan is required to establish an office in Japan and to obtain the approval of the Minister of Health, Labour and Welfare.



13 Sector: Mining

Sub-Sector: Services Incidental to Mining

Industry  
Classification: JSIC 05 Mining and quarrying of  
stone and gravel

Type of  
Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Mining Law (Law No. 289 of 1950),  
Chapters 2 and 3

Description: Only a Japanese national or a  
juridical person established under  
the law of Japan may have mining  
rights or mining lease rights.

14 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7211 Lawyers' offices

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Attorney Law (Law No. 205 of 1949),  
Chapters 3, 4, 4-2, 5 and 9

Description: A natural person who intends to  
supply legal services is required to  
be qualified as an attorney at law  
under the laws and regulations of  
Japan ("Bengoshi") and to establish  
an office within the district of the  
local bar association to which the  
natural person belongs.

An enterprise which intends to  
supply legal services is required to  
establish a legal professional  
corporation under the laws and  
regulations of Japan ("Bengoshi-  
Hojin").

15 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7211 Lawyers' offices

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Law on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers (Law No. 66 of 1986), Chapters 2 and 4

Description: A natural person who intends to supply legal advisory services concerning foreign laws is required to be qualified as a registered foreign lawyer under the laws and regulations of Japan ("Gaikoku-Ho-Jimu-Bengoshi") and to establish an office within the district of the local bar association to which the natural person belongs.

A registered foreign lawyer under the laws and regulations of Japan is required to stay in Japan for not less than 180 days per year.

16 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7212 Patent attorneys' offices

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Patent Attorney Law (Law No. 49 of  
2000), Chapters 3, 6 and 8

Description: A natural person who intends to supply  
patent attorney services is required  
to be qualified as a patent attorney  
under the laws and regulations of  
Japan ("Benrishi").

An enterprise which intends to supply  
patent attorney services is required  
to establish a patent business  
corporation under the laws and  
regulations of Japan ("Tokkyo-Gyoumu-  
Hojin").

17 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7221 Notaries public's and  
judicial scriveners'  
offices

Type of  
Reservation: National Treatment (Article 104)  
Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Notary Law (Law No. 53 of 1908),  
Chapters 2 and 3

Description: Only a Japanese national may be  
appointed as a notary in Japan.  
The notary is required to establish an  
office in the place designated by the  
Minister of Justice.

18 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7221 Notaries public's and  
judicial scriveners'  
offices

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Judicial Scrivener Law (Law No. 197 of  
1950), Chapters 3, 4, 5, 7 and 10

Description: A natural person who intends to supply  
judicial scrivener services is  
required to be qualified as a judicial  
scrivener under the laws and  
regulations of Japan ("Shiho-Shoshi")  
and to establish an office within the  
district of the judicial scrivener  
association to which the natural  
person belongs.

An enterprise which intends to supply  
judicial scrivener services is  
required to establish a judicial  
scrivener corporation under the laws  
and regulations of Japan ("Shiho-  
Shoshi-Hojin").

19 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7241 Certified public  
accountants' offices

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Certified Public Accountant Law (Law  
No. 103 of 1948), Chapters 3, 5-2 and  
7

Description: A natural person who intends to supply  
certified public accountants services  
is required to be qualified as a  
certified public accountant under the  
laws and regulations of Japan  
("Koninkaikeishi").

An enterprise which intends to supply  
certified public accountants services  
is required to establish an audit  
corporation under the laws and  
regulations of Japan("Kansa-Hojin").

20 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7242 Auditors' offices

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Certified Public Tax Accountant Law  
(Law No. 237 of 1951), Chapters 3, 4,  
5-2, 6 and 7

Enforcement Regulation on Certified  
Public Tax Accountant Law (Ministerial  
Ordinance of the Ministry of Finance  
No. 55 of 1951)

Description: A natural person who intends to supply  
certified public tax accountant  
services is required to be qualified  
as a certified public tax accountant  
under the laws and regulations of  
Japan ("Zeirishi") and to establish an  
office within the district of  
certified public tax accountant  
association to which the natural  
person belongs.

An enterprise which intends to supply  
certified public tax accountant  
services is required to establish a  
certified public tax accountant  
corporation under the laws and  
regulations of Japan ("Zeirishi-  
Hojin").



21 Sector: Professional Services

Sub-Sector:

Industry Classification:

- JSIC 7231 Administrative scriveners' offices
- JSIC 7294 Certified real estate appraisers
- JSIC 7299 Professional services, n.e.c.
- JSIC 7421 Architectural design services

Type of Reservation:

- Market Access (Article 106)
- Local Presence (Article 107)

Level of Government: Central Government

Measures: Architect and/or Building Engineer Law (Law No. 202 of 1950), Chapters 1, 2 and 6

Description: An architect and/or building engineer, qualified as such under the laws and regulations of Japan ("Kenchikushi"), or a person employing such an architect and/or building engineer, who intends to conduct business of design, superintendence of construction work, administrative work related to construction work contracts, supervision of building construction work, survey and evaluation of buildings, and representation in procedure under the laws and regulations concerning construction, upon request from others for remuneration, is required to establish an office in Japan.

22 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7251 Certified social insurance  
and labor consultants'  
offices

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Certified Social Insurance and Labor  
Consultant Law (Law No. 89 of 1968),  
Chapters 2-2, 4-2, 4-3 and 5

Description: A natural person who intends to supply  
social insurance and labor consultant  
services is required to be qualified  
as a certified social insurance and  
labor consultant under the laws and  
regulations of Japan ("Shakai-Hoken-  
Romushi") and to establish an office  
in Japan.

An enterprise which intends to supply  
social insurance and labor consultant  
services is required to establish a  
certified social insurance and labor  
consultant corporation under the laws  
and regulations of Japan ("Shakai-  
Hoken-Romushi-Hojin").

23 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7231 Administrative scriveners'  
offices

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Administrative Scrivener Law (Law No.  
4 of 1951), Chapters 3, 4, 5 and 8

Description: A natural person who intends to supply  
administrative scrivener services is  
required to be qualified as an  
administrative scrivener under the  
laws and regulations of Japan  
("Gyousei-Shoshi") and to establish an  
office within the district of the  
administrative scrivener association  
to which the natural person belongs.

An enterprise which intends to supply  
administrative scrivener services is  
required to establish an  
administrative scrivener corporation  
under the laws and regulations of  
Japan ("Gyousei-Shoshi-Hojin").

24 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7299 Professional services,  
n.e.c.

Type of  
Reservation: Market Access (Article 106)

Level of  
Government: Central Government

Measures: Maritime Procedure Agents Law (Law No.  
32 of 1951), Article 17

Description: Maritime procedure agent services must  
be supplied by a natural person who is  
qualified as a maritime procedure  
agent under the laws and regulations  
of Japan ("Kaijidairishi").

25 Sector: Professional Services

Sub-Sector:

Industry  
Classification: JSIC 7222 Land and house surveyors' offices

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Land and House Surveyor Law (Law No. 228 of 1950), Chapters 3, 4, 5, 7 and 10

Description: A natural person who intends to supply land and house surveyor services is required to be qualified as a land and house surveyor under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi") and to establish an office within the district of the land and house surveyor association to which the natural person belongs.

An enterprise which intends to supply land and house surveyor services is required to establish a land and house surveyor corporation under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi-Hojin").

26 Sector: Real Estate

Sub-Sector:

Industry Classification:

- JSIC 6811 Sales agents of buildings and houses
- JSIC 6812 Land subdividers and developers
- JSIC 6821 Real estate agents and brokers
- JSIC 6941 Real estate managers

Type of Reservation:

- Market Access (Article 106)
- Local Presence (Article 107)

Level of Government:

Central Government

Measures:

- Building Lots and Buildings Transaction Business Law (Law No. 176 of 1952), Chapter 2
- Real Estate Syndication Law (Law No. 77 of 1994), Chapter 2
- Law Concerning Improving Management of Condominiums (Law No. 149 of 2000), Chapter 3

Description:

1. A person who intends to conduct building lots and buildings transaction business is required to establish an office in Japan and to obtain license from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the office is located.
2. A person who intends to conduct real estate syndication business is required to establish an office in Japan and to obtain permission from the competent Minister or from the prefectural governor having jurisdiction over the district where the office is located.

3. A person who intends to conduct condominiums management business is required to establish an office in Japan, and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism.

27 Sector: Real Estate Appraisal Services

Sub-Sector:

Industry  
Classification: JSIC 7294 Certified real estate appraisers

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Law Concerning the Appraisal of Real Estate (Law No. 152 of 1963), Chapter 3

Description: A person who intends to supply real estate appraisal services is required to establish an office in Japan and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism or the prefecture having jurisdiction over the district where the office is located.



28 Sector: Seafarers

Sub-Sector:

Industry  
Classification: JSIC 031 Marine fisheries  
JSIC 451 Oceangoing transport  
JSIC 452 Coastwise transport

Type of  
Reservation: National Treatment (Article 104)  
Market Access (Article 106)

Level of  
Government: Central Government

Measures: Mariners Law (Law No. 100 of 1947),  
Chapter 4  
Official Notification of the Director  
General of Seafarers Department,  
Maritime Technology and Safety Bureau  
of the Ministry of Transport, No. 115,  
1990  
Official Notification of the Director  
General of Seafarers Department,  
Maritime Technology and Safety Bureau  
of the Ministry of Transport, No. 327,  
1990  
Official Notification of the Director  
General of Maritime Bureau of the  
Ministry of Land, Infrastructure and  
Transport, No. 153, 2004

Description: Foreign nationals employed by Japanese  
enterprises except for the seafarers  
referred to in the relevant official  
notifications may not work on the  
vessels flying the Japanese flag.

29 Sector: Services Related to Occupational Safety and Health

Sub-Sector:

Industry Classification: JSIC 7299 Professional services, n.e.c.

JSIC 7441 Commodity inspection services

JSIC 7452 Environmental surveying certification

JSIC 8222 Vocational guidance centers

Type of Reservation: Market Access (Article 106)

Local Presence (Article 107)

Level of Government: Central Government

Measures: Industrial Safety and Health Law (Law No. 57 of 1972), Chapters 5 and 8

Ministerial Ordinance for Registration and Designation related to Industrial Safety and Health Law and Orders based on the Law (Ministerial Ordinance of the Ministry of Labour No. 44 of 1972)

Working Environment Measurement Law (Law No. 28 of 1975), Chapters 2 and 3

Enforcement Regulation of the Working Environment Measurement Law (Ministerial Ordinance of the Ministry of Labour No. 20 of 1975)

Description: A person who intends to supply inspection or verification services for working machines, skill training course and other related services in connection with occupational safety and health, or working environment measurement services is required to be resident or to establish an office in Japan and to be registered with the Minister of Health, Labour and Welfare or Director-General of the Prefectural Labour Bureau.

30 Sector: Surveying Services

Sub-Sector:

Industry  
Classification: JSIC 7422 Surveying services

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Survey Law (Law No. 188 of 1949),  
Chapter 6

Description: A person who intends to supply  
surveying services is required to  
establish a place of business in Japan  
and to be registered with the Minister  
of Land, Infrastructure, Transport and  
Tourism.

31 Sector: Transport

Sub-Sector: Air Transport

Industry  
Classification: JSIC 4600 Head offices primarily engaged in managerial operations

JSIC 4621 Aircraft service, except air transport

Type of  
Reservation: National Treatment (Article 104)

Market Access (Article 106)

Level of  
Government: Central Government

Measures: Civil Aeronautics Law (Law No. 231 of 1952), Chapters 7 and 8

Description: 1. Permission of the Minister of Land, Infrastructure, Transport and Tourism for conducting aerial work business is not granted to the following natural persons or entities applying for the permission:

- (a) a natural person who does not have Japanese nationality;
- (b) a foreign country, or a foreign public entity or its equivalent;
- (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and

(d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

In the event a person conducting aerial work business falls into a natural person or an entity referred to in subparagraphs (a) through (d), the permission will lose its effect. The conditions for the permission also apply to companies, such as holding companies, which have substantial control over the person conducting aerial work business.

2. A foreign aircraft may not be used for a flight between points within Japan.

32 Sector: Transport

Sub-Sector: Air Transport (Registration of Aircraft in the National Register)

Industry Classification:

Type of Reservation: Market Access (Article 106)

Level of Government: Central Government

Measures: Civil Aeronautics Law (Law No. 231 of 1952), Chapter 2

Description: 1. An aircraft owned by any of the following natural persons or entities may not be registered in the national register:

- (a) a natural person who does not have Japanese nationality;
- (b) a foreign country, or a foreign public entity or its equivalent;
- (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and
- (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

2. A foreign aircraft may not be registered in the national register.

33 Sector: Transport

Sub-Sector: Customs Brokerage

Industry  
Classification: JSIC 4899 Services incidental to  
transport, n.e.c.

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Customs Brokerage Law (Law No. 122 of  
1967), Chapter 2

Description: A person who intends to conduct  
customs brokerage business is required  
to have a place of business in Japan  
and to obtain permission of the  
Director-General of Customs having  
jurisdiction over the district where  
the person intends to conduct customs  
brokerage business.



34 Sector: Transport

Sub-Sector: Freight Forwarding Business (excluding freight forwarding business using air transportation)

Industry Classification: JSIC 4441 Collect-and-deliver freight transport

JSIC 4821 Deliver freight transport, except collect-and-deliver freight transport

Type of Reservation: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article 105)

Market Access (Article 106)

Local Presence (Article 107)

Level of Government: Central Government

Measures: Freight Forwarding Business Law (Law No. 82 of 1989), Chapters 2, 3 and 4

Enforcement Regulation of Freight Forwarding Business Law (Ministerial Ordinance of the Ministry of Transport No. 20 of 1990)

Description: 1. The following natural persons or entities are required to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism for conducting freight forwarding business using international shipping. Such registration shall be made, or such permission or approval shall be granted, on the basis of reciprocity:

- (a) a natural person who does not have Japanese nationality;
- (b) a foreign country, or a foreign public entity or its equivalent;

- (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and
- (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

2. A person who intends to conduct freight forwarding business is required to establish an office in Japan, and to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism.

35 Sector: Transport

Sub-Sector: Road Transport

Industry  
Classification: JSIC 431 Common omnibus operators

JSIC 432 Common taxicab operators

JSIC 433 Contracted omnibus operators

JSIC 4391 Motor passenger transport  
(particularly-contracted)

JSIC 441 Common motor trucking

JSIC 442 Motor trucking (particularly-  
contracted)

JSIC 443 Mini-sized vehicle freight  
transport

Type of  
Reservation: Market Access (Article 106)

Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Road Transport Law (Law No. 183 of  
1951), Chapter 2

Trucking Business Law (Law No. 83 of  
1989), Chapter 2

Description: 1. A person who intends to conduct  
road passenger transport business or  
road freight transport business is  
required to establish a place of  
business in Japan and to obtain  
permission of the Minister of Land,  
Infrastructure, Transport and Tourism.

2. In respect of common taxicab operators business, the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the business, and a person who conducts the business may not be allowed to modify the business plan of such business, in the area including a designated area where the Minister of Land, Infrastructure, Transport and Tourism designated as the "emergency supply/demand adjustment area". The "emergency supply/demand adjustment area" is designated where the Minister of Land Infrastructure, Transport and Tourism considers that the capacity of common taxicab transportation business in that area significantly exceeds the volumes of traffic demand, and that it would be difficult to secure the safety of transportation and the benefits of passengers, if the capacity of transportation further increases.

3. In respect of common motor trucking business or motor trucking business (particularly-contracted), the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the business, and a person who conducts the business may not be allowed to modify the business plan of such business, in the area including a designated area where the Minister of Land, Infrastructure, Transport and Tourism designated as the "emergency supply/demand adjustment area". The "emergency supply/demand adjustment area" is designated where the Minister of Land, Infrastructure, Transport and Tourism considers that the capacity of common motor trucking business or motor trucking business (particularly-contracted) in that area has significantly exceeded the volumes of transportation demand to the extent that the operation of existing business would become difficult.

36 Sector: Transport

Sub-Sector: Services Incidental to Transport

Industry  
Classification: JSIC 4852 Fixed facilities for road  
transport

Type of  
Reservation: Market Access (Article 106)

Level of  
Government: Central Government

Measures: Road Transport Law (Law No. 183 of  
1951), Chapter 4

Description: A person who intends to conduct  
motorway business is required to  
obtain license from the Minister of  
Land, Infrastructure, Transport and  
Tourism. The issuance of a license is  
subject to an economic needs test,  
such as whether the proposed motorway  
is appropriate in scale compared with  
the volume and nature of traffic  
demand in the proposed area.

37 Sector: Transport

Sub-Sector: Services Incidental to Transport

Industry  
Classification:

Type of  
Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Pilotage Law (Law No. 121 of 1949),  
Chapters 2, 3 and 4

Description: Only a Japanese national may become a  
pilot in Japan.

Pilots directing ships in the same  
pilotage district are required to  
establish a pilot association for the  
pilotage district.

38 Sector: Transport

Sub-Sector: Water Transport

Industry  
Classification: JSIC 451 Oceangoing transport

Type of  
Reservation: National Treatment (Article 104)

Most-Favored-Nation Treatment  
(Article 105)

Market Access (Article 106)

Level of  
Government: Central Government

Measures: Law Concerning Special Measures  
against Unfavorable Treatment to  
Japanese Oceangoing Ship Operators by  
Foreign Government (Law No. 60 of  
1977)

Description: Peruvian oceangoing ship operators  
maybe restricted or prohibited from  
entering ports in Japan or from  
loading and unloading cargoes in Japan  
in cases where Japanese oceangoing  
ship operators are prejudiced by Peru.

39 Sector: Transport

Sub-Sector: Water Transport

Industry  
Classification:

Type of  
Reservation: National Treatment (Article 104)

Most-Favored-Nation Treatment  
(Article 105)

Market Access (Article 106)

Level of  
Government: Central Government

Measures: Ship Law (Law No. 46 of 1899), Article  
3

Description: Unless otherwise specified in laws and  
regulations of Japan or international  
agreements to which Japan is a party,  
ships not flying the Japanese flag are  
prohibited from entering ports in  
Japan which are not open to foreign  
commerce and from carrying cargoes or  
passengers between ports in Japan.



40 Sector: Vocational Skills Test

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: Market Access (Article 106)  
Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Human Resources Development Promotion  
Law (Law No. 64 of 1969), Chapter 5

Description: An enterprise which intends to carry  
out the vocational skills test for  
workers is required to establish an  
office in Japan and to be designated  
by the Minister of Health, Labour and  
Welfare.

41 Sector: Wholesale and Retail Trade

Sub-Sector: Livestock

Industry  
Classification: JSIC 5219 Miscellaneous agricultural  
animal and poultry farm and  
aquatic products

Type of  
Reservation: Local Presence (Article 107)

Level of  
Government: Central Government

Measures: Livestock Dealer Law (Law No. 208 of  
1949), Article 3

Description: A person who intends to conduct  
livestock trading business is  
required to be resident in Japan  
and to obtain a license from the  
prefectural governor having  
jurisdiction over the place of  
residence. For greater certainty,  
"livestock trading" means the  
trading or exchange of livestock,  
or the good offices for such  
trading or exchange.

Part 2  
Schedule of Peru

1. This Schedule sets out, pursuant to paragraph 1 of Article 108, the reservations taken by Peru with respect to existing measures that do not conform with obligations imposed by:

- (a) Article 104;
- (b) Article 105;
- (c) Article 106; or
- (d) Article 107.

2. Each reservation in this Schedule sets out the following elements:

- (a) "Sector" refers to the general sector in which the reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
- (c) "Obligations Concerned" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
- (d) "Level of Government" indicates the level of government maintaining the measure for which the reservation is taken;
- (e) "Measures" identifies the existing laws, regulations or other measures for which the reservation is taken. A measure cited in the "Measures" element:
  - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement; and
  - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

- (f) "Description" sets out, with regard to the obligations referred to in paragraph 1, the non-conforming aspects of the existing measures for which the reservation is taken.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant provisions of Chapter 7 against which the reservation is taken, and the "Measures" element shall prevail over all other elements.

4. To clarify the commitment of Peru with respect to Article 106, juridical persons supplying financial services constituted under the laws of Peru are subject to non-discriminatory limitations on juridical form.

Note: For example, limited liability partnerships and sole proprietorships with limited liability are generally not acceptable juridical forms for financial institutions in Peru. This headnote does not affect, or otherwise limit, a choice by an investor of the other Party between branches and subsidiaries.

5. For financial services, as defined in subparagraph 1(a) of Article 2 of Annex 7, subparagraph 1(c) of Article 108 shall not apply to those non-conforming measures relating to subparagraph (e) of Article 106.

6. The commitments of Peru with respect to financial services supplied under subparagraph 1(d) of Article 102 do not be construed to allow that non-resident service suppliers to do business or solicit in its territory. Peru may define "doing business" and "solicitation" for the purposes of this commitment.

7. Peru may require that the administrators of a financial service supplier must be residents in Peru, and that a minority of the board of directors be composed of nationals of Peru, personal residing in the territory of Peru, or a combination thereof.

1 Sector: Fishing and Services related to Fishing

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Level of

Government: Central

Measures: Decreto Supremo N° 012-2001-PE, Diario Oficial "El Peruano" del 14 de marzo de 2001, Reglamento de la Ley General de Pesca, artículos 67, 68, 69 y 70.

Description: Cross-Border Trade in Services

Before commencing operations, shipowners of foreign-flagged fishing vessels must present an unconditional, irrevocable, letter of guarantee with automatic execution and joint liability, which will be valid for no more than 30 calendar days after the expiry of the fishing permit, issued for the benefit and to the satisfaction of the Ministry of Production by a financial, banking or insurance institution recognized by the "Superintendencia de Banca, Seguros y Administradoras Privadas de Fondos de Pensiones". Such letter shall be issued in an amount equal to 25 percent of the amount that must be paid for fishing rights.

A shipowner of a foreign-flagged fishing vessel that is not of large scale (according to the regulation mentioned above) and that operates in Peruvian jurisdictional waters must rely on the Satellite Tracking System in its vessel, except for shipowners operating in highly migratory fisheries who are excepted from this obligation by a Ministerial Resolution.

Foreign-flagged fishing vessels with a fishing permit must have on board a scientific technical observer appointed by the Sea Institute of Peru (*Instituto del Mar del Perú* - IMARPE). The shipowner must provide accommodation on board for that representative and a daily stipend, which must be deposited in a special account to be administered by IMARPE.

Shipowners of foreign-flagged fishing vessels that operate in Peruvian jurisdictional waters must hire a minimum of 30 percent of Peruvian crew, subject to applicable domestic legislation.

2 Sector: Radio and Television Broadcasting Services

Sub-Sector:

Obligations Concerned: Local Presence (Article 107)

Level of Government: Central

Measures: Ley N° 28278, Diario Oficial "El Peruano" del 16 de julio de 2004, Ley de Radio y Televisión, artículo 24.

Description: Cross-Border Trade in Services

Only Peruvian nationals or juridical persons organized under Peruvian law and domiciled in Peru may be authorized or licensed to offer radio or television broadcast services.

No foreign national may hold an authorization or a license directly or through a sole proprietorship.

3 Sector: Audio-Visual Services

Sub-Sector:

Obligations  
Concerned: National Treatment (Article 104)

Level of  
Government: Central

Measures: Ley N° 28278, Diario Oficial "El  
Peruano" del 16 de julio de 2004, Ley de  
Radio y Televisión, Octava Disposición  
Complementaria y Final.

Description: Cross-Border Trade in Services

At least 30 percent, on average, of the  
total weekly programs by free-to-air  
television broadcasters must be produced  
in Peru and broadcasted between the  
hours of 5:00 and 24:00.



4 Sector: Radio-broadcasting Services

Sub-Sector:

Obligations  
Concerned: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article  
105)

Level of  
Government: Central

Measures: Decreto Supremo N° 005-2005-MTC, Diario  
Oficial "El Peruano" del 15 de febrero  
de 2005, Reglamento de la Ley de Radio y  
Televisión, artículo 20.

Description: Cross-Border Trade in Services

If a foreign national is, directly or  
indirectly, a shareholder, partner, or  
associate in a juridical person, that  
juridical person may not hold a  
broadcasting authorization in a zone  
bordering that foreign national's  
country of origin, except in a case of  
public necessity authorized by the  
Council of Ministers.

This restriction does not apply to  
juridical persons with foreign equity  
which have two or more current  
authorizations, as long as they are of  
the same frequency band.

5 Sector: All Sectors

Sub-Sector:

Obligations  
Concerned: National Treatment (Article 104)

Level of  
Government: Central

Measures: Decreto Legislativo N° 689, Diario Oficial "El Peruano" del 05 de noviembre de 1991, Ley para la Contratación de Trabajadores Extranjeros, artículos 1, 3, 4, 5 (modificado por Ley N° 26196) y 6.

Description: Cross-Border Trade in Services

All employers in Peru, independently of their activity or nationality, shall give preferential treatment to nationals when hiring its employees.

Foreign natural persons who are service providers and who are employed by a service-providing enterprise may provide services in Peru under a written and time-limited employment contract, which may not exceed three years. The contract may be subsequently extended for like periods of time. Service-providing enterprises must show proof of the company's commitment to train national personnel in the same occupation.

Foreign natural persons may not represent more than 20 percent of the total number of employees of an enterprise, and their pay may not exceed 30 percent of the total payroll for wages and salaries. These percentages will not apply in the following cases:

(a) when the foreign national providing the service is the spouse, parent, child or sibling of a Peruvian national;

- (b) when the personnel is working for a foreign enterprise providing international land, air and water transport services under a foreign flag and registration;
- (c) when the foreign personnel works in a multinational bank or an enterprise that provides multinational services, subject to the laws governing specific cases;
- (d) for a foreign investor, provided that its investment permanently maintains in Peru at least five units "*Unidad Impositiva Tributaria*" ("UITs") during the life of its contract;

Note: The "*Unidad Impositiva Tributaria* (UIT)" is an amount used as a reference in taxation rules in order to maintain in constant values the tax basis, deductions, affectation limits and other aspects of the tax that the legislator considers convenient.

- (e) for artists, athletes or other service-providers engaged in public performances in Peruvian territory, for a maximum of three months a year;
- (f) when a foreign national has an immigrant visa;
- (g) for a foreign national whose country of origin has a labor reciprocity or dual nationality agreement with Peru; and

- (h) when foreign personnel provides services in Peru under a bilateral or multilateral agreement concluded by the Peruvian Government.

Employers may request waivers for the percentages related to the number of foreign employees and their share of the company's payroll in those cases involving:

- (a) specialized professional or technical personnel;
- (b) directors or management personnel for a new business activity or reconverted business activity;
- (c) teachers hired for post secondary education, or for foreign private elementary and high schools; or for language teaching in local private schools; or for specialized language centers;
- (d) personnel working for public or private enterprises with contractual agreements with public organizations, institutions or enterprises; and
- (e) in any other case determined by Supreme Decree pursuant to specialization, qualification or experience criteria.

6 Sector: Professional Services

Sub-Sector: Legal Services

Obligations  
Concerned: National Treatment (Article 104)

Level of  
Government: Central

Measures: Decreto Legislativo N° 1049, Diario  
Oficial "El Peruano" del 26 de junio de  
2008, Ley del Notariado, artículo 10.

Description: Cross-Border Trade in Services

Only a Peruvian national by birth may  
supply notary services.

7 Sector: Professional Services

Sub-Sector: Architectural Services

Obligations  
Concerned: National Treatment (Article 104)

Level of  
Government: Central

Measures: Ley N° 14085, Diario Oficial "El  
Peruano" del 30 de junio de 1962, Ley de  
Creación del Colegio de Arquitectos del  
Perú.

Ley N° 16053, Diario Oficial "El  
Peruano" del 14 de febrero de 1966, Ley  
del Ejercicio Profesional, Autoriza a  
los Colegios de Arquitectos e Ingenieros  
del Perú para supervisar a los  
profesionales de Ingeniería y  
Arquitectura de la República, artículo  
1.

Acuerdo del Consejo Nacional de  
Arquitectos, aprobado en Sesión N° 04-  
2009 del 15 de Diciembre de 2009.

Description: Cross-Border Trade in Services

To practice as an architect in Peru, an  
individual must join the "Colegio de  
Arquitectos". There may be a difference  
in the amount of the enrolment fee for  
Peruvians and foreigners. The proportion  
of that difference may not exceed the  
five times. For greater transparency,  
the current enrolment fees are:

(a) S/. 775 for a Peruvian national  
with a degree from a Peruvian  
university;

(b) S/. 1,240 for a Peruvian national  
with a degree from a foreign  
university;

- (c) S/. 1,240 for a foreign national with a degree from a Peruvian university; or
- (d) S/. 3,100 for a foreign national with a degree from a foreign university.

Also, to obtain temporary registration, non-resident foreign architects must have a contract of association with a Peruvian architect residing in Peru.

8 Sector: Professional Services

Sub-Sector: Auditing Services

Obligations  
Concerned: National Treatment (Article 104)

Local Presence (Article 107)

Level of  
Government: Central

Measures: Reglamento Interno del Colegio de  
Contadores Públicos de Lima, artículos  
145 y 146.

Description: Cross-Border Trade in Services

Auditing societies shall be constituted only and exclusively by public accountants licensed and resident in the country and duly qualified by the "*Colegio de Contadores Públicos de Lima*". No partner may be a member of another auditory society in Peru.



9 Sector: Security Services

Sub-Sector: Personal Protective Services, Private Surveillance, Transportation of Money and Valuables, Self-Protection, Technology of Security, Consulting and Advisory in Private Security

Obligations Concerned: National Treatment (Article 104)

Local Presence (Article 107)

Level of Government: Central

Measures: Decreto Supremo N° 003-2011-IN, Diario Oficial "El Peruano" del 31 de marzo de 2011, Reglamento de Servicios de Seguridad Privada, artículos 12, 18, 22, 36, 40, 41, 46, 47 y 48.

Description: Cross-Border Trade in Services

The supply of personal and heritage security services by natural persons is reserved to Peruvian nationals.

Only juridical persons constituted in Peru may apply for an authorization to supply security services. They must proof its constitution in Peru by a copy of the registration form of the constitution for the enterprise.

10 Sector: Recreational, Cultural and Sporting Services

Sub-Sector: National Artistic Audio-Visual Production Services

Obligations Concerned: National Treatment (Article 104)

Level of Government: Central

Measures: Ley N° 28131, Diario Oficial "El Peruano" del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículos 23 y 25.

Description: Cross-Border Trade in Services

Any domestic artistic audiovisual production must be comprised at least of 80 percent of national artists.

Any domestic artistic live performances must be comprised at least of 80 percent of 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 paragraphs shall govern the work of technical personnel involved in artistic activities.

11 Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Circus Services

Obligations Concerned: National Treatment (Article 104)

Level of Government: Central

Measures: Ley N° 28131, Diario Oficial "El Peruano" del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículo 26.

Description: Cross-Border Trade in Services

A foreign circus may stay in Peru with its 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.

12 Sector: Commercial Advertising Services

Sub-Sector:

Obligations  
Concerned: National Treatment (Article 104)

Level of  
Government: Central

Measures: Ley N° 28131, Diario Oficial "El  
Peruano" del 18 de diciembre de 2003,  
Ley del Artista, Intérprete y  
Ejecutante, artículos 25 y 27.2.

Description: Cross-Border Trade in Services

Commercial advertising produced in Peru,  
must have at least 80 percent of  
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 paragraphs shall govern the  
work of technical personnel involved in  
commercial advertising.

13 Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Bullfighting

Obligations Concerned: National Treatment (Article 104)

Level of Government: Central

Measures: Ley N° 28131, Diario Oficial "El Peruano" del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículo 28.

Description: Cross-Border Trade in Services

At least one bullfighter of Peruvian nationality must participate in any bullfighting event. At least one apprentice bullfighter of Peruvian nationality must participate in fights involving young bulls.

14 Sector: Radio-broadcasting Services

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Level of

Government: Central

Measures: Ley N° 28131, Diario Oficial "El Peruano" del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículos 25 y 45.

Description: Cross-Border Trade in Services

Free to air radio and television broadcast companies must dedicate at least 10 percent of their daily programming to folklore and national music and to series or programs produced in Peru on the Peruvian history, literature, culture or current issues with artists hired in the following percentages:

- a minimum of 80 percent of national artists;
- national artists shall receive no less than 60 percent of the total payroll for wages and salaries paid to artists; and
- the same percentages established in the preceding paragraphs shall govern the work of technical personnel involved in artistic activities.

15 Sector: Customs Warehouses Services

Sub-Sector:

Obligations  
Concerned: Local Presence (Article 107)

Level of  
Government: Central

Measures: Decreto Supremo N° 08-95-EF, Diario  
Oficial "El Peruano" del 5 de febrero de  
1995, Aprueban el Reglamento de  
Almacenes Aduaneros, artículo 7.

Description: Cross-Border Trade in Services

Only natural or juridical persons  
domiciled in Peru may apply for an  
authorization to operate a customs  
warehouse.

16 Sector: Telecommunications

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Level of

Government: Central

Measures: Decreto Supremo N° 020-2007-MTC, Diario Oficial "El Peruano" del 4 de julio de 2007, Texto Único Ordenado del Reglamento General de la Ley de Telecomunicaciones, artículo 258.

Description: Cross-Border Trade in Services

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.



17 Sector: Transport

Sub-Sector: Aquatic Transport

Obligations  
Concerned: National Treatment (Article 104)  
Local Presence (Article 107)

Level of  
Government: Central

Measures: Ley N° 28583, Ley de Reactivación y Promoción de la Marina Mercante Nacional, Diario Oficial "El Peruano" del 22 de julio de 2005, artículos 4.1, 6.1, 7.1, 7.2, 7.4 y 13.6.

Ley N° 29475, Ley que modifica la Ley N° 28583, Ley de Reactivación y Promoción de la Marina Mercante Nacional, Diario Oficial "El Peruano" del 17 de Diciembre de 2009, artículo 13.6 y Décima Disposición Transitoria y Final.

Decreto Supremo N° 028 DE/MGP, Diario Oficial "El Peruano" del 25 de mayo de 2001, Reglamento de la Ley N° 26620, artículo I-010106, literal (a).

Description: Cross-Border Trade in Services

1. 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 services in water transportation in national traffic or cabotage 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.

Note: For greater certainty, water transportation includes transport by lakes and rivers.

2. The chairman of the board of directors, the majority of the directors, and the General Manager must be Peruvian nationals and residents in Peru.

3. The captain and the crew of Peruvian-flagged vessels must be entirely Peruvian nationals authorized by the "*Dirección General de Capitanías y Guardacostas*". In exceptional cases and after ascertaining that there is no Peruvian qualified personnel with experience in that type of vessel available, foreign nationals could be hired to a maximum of 15 percent of the total crew, and for a limited period of time. This exception does not reach the captain of the vessel.

4. Only a Peruvian national may be a licensed harbor pilot.

5. 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:

- (a) up to 25 percent of the transport of hydrocarbons in national waters is reserved for the ships of the Peruvian Navy; and
- (b) foreign-flagged vessels may be operated exclusively by National Shipowners or National Ship Enterprises 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.

18 Sector: Transport

Sub-Sector: Aquatic Transport

Obligations  
Concerned: National Treatment (Article 104)

Local Presence (Article 107)

Level of  
Government: Central

Measures: Decreto Supremo N° 056-2000-MTC, Diario Oficial "El Peruano" del 31 de diciembre de 2000. Disponen que servicios de transporte marítimo y conexos realizados en bahías y áreas portuarias deberán ser prestados por personas naturales y jurídicas autorizadas, con embarcaciones y artefactos de bandera nacional, artículo 1.

Resolución Ministerial N° 259-2003-MTC/02, Diario Oficial "El Peruano" del 4 de abril de 2003. Aprueban Reglamento de los servicios de Transporte Acuático y Conexos Prestados en Tráfico de Bahía y Áreas Portuarias, artículos 5 y 7.

Description: Cross-Border Trade in Services

The following water transport and related services supplied in bay and port areas must be supplied by natural persons domiciled in Peru, and juridical persons constituted and domiciled in Peru, properly authorized with Peruvian flag vessels and equipment:

- Fuel replenishment services;
- Mooring and unmooring services;
- Diving services;
- Victualing services;

- Dredging services;
- Harbor pilotage services;
- Waste collection services;
- Tug boat services; and
- Transport of persons.

19 Sector: Transport

Sub-Sector: Aquatic Transport

Obligations  
Concerned: Local Presence (Article 107)

Level of  
Government: Central

Measures: Resolución Suprema N° 011-78-TC-DS, del  
6 de febrero de 1978, Reglamento de  
Empresas de Transporte Turístico.

Description: Cross-Border Trade in Services

Only natural persons domiciled in Peru  
or juridical persons constituted and  
domiciled in Peru may provide tourist  
water transportation services.

20 Sector: Transport

Sub-Sector: Aquatic Transport

Obligations  
Concerned: National Treatment (Article 104)

Level of  
Government: Central

Measures: Ley N° 27866, Diario Oficial "El  
Peruano" del 16 de noviembre de 2002,  
Ley del Trabajo Portuario, artículos 3 y  
7.

Description: Cross-Border Trade in Services

Only Peruvian citizens may register in  
the Registry of Port Workers.

Port worker is a natural person who,  
subject to a port employer, performs  
specific services that conducts to tasks  
related to port work such as: stevedore,  
"tarjador", "winchero", "gruero",  
"portalonero", "levantador de costado de  
nave", among others that are established  
in each port according to the  
regulations of the current law.

21 Sector                      Transport

Sub-Sector:                    Land Transport of Passengers

Obligations  
Concerned:                    Local Presence (Article 107)

Level of  
Government:                  Central

Measures:                    Decreto Supremo N° 017-2009-MTC, Diario  
Oficial "El Peruano" del 22 de abril de  
2009, Reglamento Nacional de  
Administración de Transportes, artículo  
33, modificado por Decreto Supremo N°  
006-2010-MTC del 22 de enero de 2010.

Description:                  Cross-Border Trade in Services

The supply of transport services must provide security and quality to the customer. To that end, it is necessary to have adequate physical infrastructure, which includes, when appropriate: offices; bus terminals for persons or goods; route stations; bus stops; all other infrastructure used as a place for loading, unloading and storage of goods; maintenance workshops; and any other necessary for the service supply.



22 Sector                   Transport

Sub-Sector:           Road Transport

Obligations  
Concerned:           National Treatment (Article 104)

Level of  
Government:         Central

Measures:            The "Acuerdo sobre Transporte  
Internacional Terrestre", signed between  
the Governments of the Republic of  
Chile, the Republic of Argentina, la  
República de Bolivia, la República  
Federativa de Brasil, la República del  
Paraguay, la República del Perú y la  
República Oriental del Uruguay - ATIT,  
signed in Montevideo January 1, 1990.

Description:         Cross-Border Trade in Services

Foreign vehicles allowed by Peru, in  
conformity with the ATIT, which carry  
out international transportation by  
road, will not be able to provide local  
transport (cabotage) in the Peruvian  
territory.

23 Sector                    Research and Development Services

Sub-Sector:                Archaeological Services

Obligations  
Concerned:                National Treatment (Article 104)

Level of  
Government:              Central

Measures:                Resolución Suprema N° 004-2000-ED,  
Diario Oficial "El Peruano" del 25 de  
Enero de 2000, Reglamento de  
Investigaciones Arqueológicas, artículo  
30.

Description:              Cross-Border Trade in Services

Archaeological research projects headed  
by foreign archaeologists must count on  
a Peruvian archaeologist registered in  
the National Registry of Archaeologists  
for the scientific co-direction or sub-  
direction of the project. The co-  
director and sub-director shall  
participate in the integral execution of  
the project (field and office work).

24 Sector: Services Related to Energy Services

Sub-Sector:

Obligations  
Concerned: National Treatment (Article 104)

Local Presence (Article 107)

Level of  
Government: Central

Measures: Ley N° 26221, Diario Oficial "El  
Peruano" del 19 de agosto de 1993, Ley  
General de Hidrocarburos, artículo 15.

Description: Cross-Border Trade in Services

In order to enter into an exploration  
contract in Peru, foreign natural  
persons must register in the Public  
Registry and provide a power of attorney  
to a Peruvian national resident in the  
capital of the Republic of Peru.

Foreign enterprises must establish a  
branch or constitute a society under the  
*Ley General de Sociedades*, be domiciled  
in the capital of the Republic of Peru,  
and appoint a Peruvian national as an  
executive agent.

25 Sector: Financial Services

Sub-Sector: All

Obligations Concerned: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Level of Government: Central

Measures: Ley General del Sistema Financiero y del Sistema de Seguros y Orgánica de la Superintendencia de Banca y Seguros, Ley N° 26702 y sus modificatorias.

Ley del Mercado de Valores, aprobado por el Decreto Legislativo N° 861, modificada por las Leyes N° 26827, 27323, 27649 y por el Decreto Legislativo N° 1061.

Texto Único Ordenado de la Ley del Sistema Privado de Administración de Fondos de Pensiones, aprobado por el Decreto Supremo N° 054-97-EF.

Decreto Legislativo N° 862, Ley de Fondos de Inversión y sus Sociedades Administradoras.

Ley N° 26361, Ley sobre Bolsas de Productos, modificada por la Ley N° 27635.

Decreto Ley N° 22014.

Description: Financial services supplied under subparagraphs 1(d)(i) and 1(d)(iii) of Article 102 are not allowed in Peru, except for the following financial services:

(a) insurance of risks relating to:

- (i) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability arising therefrom; and
- (ii) goods in international transit;
- (b) reinsurance and retrocession;
- (c) consultancy, actuarial, risk assessment, and claim settlement services;
- (d) insurance intermediation, such as agency and brokerage, as referred to in subparagraph 1(a)(i)(C) of Article 2 of Annex 7, of insurance of risks related to services listed in subparagraphs (a) and (b); and
- (e) provision and transfer of financial information and financial data processing and related software as referred to in subparagraph 1(a)(ii)(K) of Article 2 of Annex 7, subject to prior authorization from the relevant regulator, as required, and advisory and other auxiliary financial services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph 1(a)(ii)(L) of Article 2 of Annex 7.

Note 1: It is understood that, where the financial information or financial data processing referred to in subparagraph (e) involves personal data, the treatment of such personal data shall be in accordance with Peru's law regulating the protection of such data.

Note 2: It is understood that advisory and other auxiliary financial services do not include those services referred to in subparagraphs 1(a)(ii)(A) through (K) of Article 2 of Annex 7.

Note 3: It is understood that a trading platform, whether electronic or physical, does not fall within the range of services specified in subparagraph (e).

Note 4: Without prejudice to other means of prudential regulation of cross-border trade in financial services, Peru may require the registration of cross-border financial service suppliers of Japan and of financial instruments.

26 Sector: Financial Services

Sub-Sector: Banking and Other Financial Services  
Insurance and Insurance Related Services

Obligations  
Concerned: Market Access (Article 106)

Level of  
Government: Central

Measures: *Ley General del Sistema Financiero y del Sistema de Seguros y Orgánica de la Superintendencia de Banca y Seguros, Ley N° 26702 y sus modificatorias.*

Description: A financial institution of the other Party providing banking, insurance or insurance related services and established in Peru through a branch must assign to its branch certain capital, which must be located in Peru. In addition to measures that Peru may impose, consistent with paragraph 1 of Article 8 of Annex 7, the operations of the branch are limited by its capital located in Peru.

27 Sector: Financial Services

Sub-Sector: Banking and Other Financial Services  
(excluding insurance)

Obligations  
Concerned: National Treatment (Article 104)

Level of  
Government: Central

Measures: Ley del Mercado de Valores, aprobado por el Decreto Legislativo N° 861, modificada por las Leyes N° 26827, 27323, 27649 y por el Decreto Legislativo N° 1061; artículos 280, 333, 337 y Décimo Séptima Disposición Final.

Ley N° 26702 y sus modificatorias, *Ley General del Sistema Financiero y del Sistema de Seguros y Orgánica de la Superintendencia de Banca y Seguros*; artículos 136 y 296.

Description: Financial institutions constituted under the laws of Peru and debt securities offered in a primary or secondary public offering in the territory of Peru must be rated by credit rating companies constituted under the laws of Peru. They may also be rated by other credit rating agencies, but only in addition to the mandatory rating.



28 Sector: Financial Services

Sub-Sector: Banking and Other Financial Services  
(excluding insurance)

Obligations  
Concerned: National Treatment (Article 104)

Level of  
Government: Central

Measures: *Ley General del Sistema Financiero y del  
Sistema de Seguros y Orgánica de la  
Superintendencia de Banca y Seguros, Ley  
N° 26702 y sus modificatorias.*

*Ley de creación del Banco Agropecuario,  
Ley N° 27603.*

*Ley de creación de la Corporación  
Financiera de Desarrollo (COFIDE),  
Decreto Ley N° 208 y Ley N° 25382.*

*Ley de creación del Banco de la Nación,  
Ley N° 16000.*

*Ley N° 28579, Fondo MiVivienda.*

*Decreto Supremo N° 157-90-EF.*

*Decreto Supremo N° 07-94-EF y sus  
modificatorias.*

Description: Peru may grant advantages or exclusive  
rights, without limitation, to one or  
more of the following financial  
entities, so long as they are partially  
or fully owned by the State: *Corporación  
Financiera de Desarrollo (COFIDE), Banco  
de la Nación, Banco Agropecuario, Fondo  
Mivivienda, Cajas Municipales de Ahorro  
y Crédito, and the Caja Municipal de  
Crédito Popular.*

Examples of such advantages are the  
following:

The Banco de la Nación and Banco Agropecuario are not required to diversify their risk; and

The Cajas Municipales de Ahorro y Crédito may directly sell collateral they repossess in cases of loan default, in accordance with pre-established procedures.

Note: For greater certainty, and notwithstanding the location of this non-conforming measure within Part 2 of this Annex, the Parties understand that the advantages or exclusive right that Peru may grant to the specified entities are not limited only to the cited examples.

29 Sector: Financial Services

Sub-Sector: Banking and Other Financial Services  
(excluding Insurance)

Obligations  
Concerned: Market Access (Article 106)

Local Presence (Article 107)

Level of  
Government: Central

Measures: Ley del Mercado de Valores, aprobado por el Decreto Legislativo N° 861, modificada por las Leyes N° 26827, 27323, 27649 y por el Decreto Legislativo N° 1061; artículos 130, 167, 185, 204, 223, 259, 269, 270, 302, 324 y Décimo Séptima Disposición Final.

Decreto Legislativo N° 862, *Ley de Fondos de Inversión y sus Sociedades Administradoras*, artículo 12.

Ley N° 26361, *Ley sobre Bolsas de Productos*, modificada por la Ley N° 27635; artículos 2, 9 y 15.

Decreto Ley N° 22014, artículo 1.

Texto Único Ordenado de la *Ley del Sistema Privado de Administración de Fondos de Pensiones*, aprobado por el Decreto Supremo N° 054-97-EF; artículo 13; y el Reglamento del Texto Único Ordenado de la *Ley del Sistema Privado de Administración de Fondos de Pensiones*, aprobado por el Decreto Supremo N° 004-98-EF; artículo 18.

Description: Financial service suppliers established in Peru to supply financial services in the securities or commodities markets or financial services related to asset management, including pension fund managers, must be constituted under the laws of Peru. Therefore, financial institutions of the other Party established in Peru to supply these financial services may not be established as branches or agencies.

30 Sector: Financial Services

Sub-Sector: All

Obligations  
Concerned: National Treatment (Article 104)

Level of  
Government: Central

Measures: *Ley General del Sistema Financiero y del Sistema de Seguros y Orgánica de la Superintendencia de Banca y Seguros, Ley N° 26702 y sus modificatorias.*

Description: Creditors domiciled in Peru have legal preference with regard to the assets located in Peru of a branch of a foreign financial institution, in case of liquidation of the financial institution or its branch in Peru.