

Annex 6
referred to in Chapter 7

Part 1
Schedule of Japan

1. This Schedule sets out, pursuant to paragraph 2 of Article 108, the reservations taken by Japan with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, 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) "Description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and

- (f) "Existing Measures" identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "Description" 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:

- (a) "JSIC" means Japan Standard Industrial Classification set out by the Statistics Bureau, Ministry of Internal Affairs and Communications, and revised on 6 November 2007; and

- (b) "CPC" means the Provisional Central Product Classification (Statistical paper Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

1 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: Most-Favored-Nation Treatment
(Article 105)

Description: 1. Japan reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral agreement in force on, or signed prior to, the date of entry into force of this Agreement.

2. Japan reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral agreement, other than the agreement referred to in paragraph 1, involving:

(a) aviation;

(b) fisheries; or

(c) maritime matters, including salvage.

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

Existing
Measures:

2 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of telegraph services, postal services, betting and gambling services and sale of coinage in Japan, which are restricted to designated enterprises or governmental entities.

In the event where the supply of telegraph services, postal services, betting and gambling services and sale of coinage in Japan, which are restricted to designated enterprises or governmental entities, are liberalized to those other than the designated enterprises or governmental entities, or in the event where such designated enterprises or governmental entities no longer operate on a non-commercial basis, Japan reserves the right to adopt or maintain any measure relating to those activities.

Existing
Measures: Telecommunications Business Law (Law No. 86 of 1984) Supplementary Provisions, Article 5

Postal Law (Law No. 165 of 1947), Article 2

Horse Racing Law (Law No. 158 of 1948), Article 1

The Law relating to Motorboat Racing (Law No. 242 of 1951), Article 2

Bicycle Racing Law (Law No. 209 of 1948), Article 1

Auto Racing Law (Law No. 208 of 1950),
Article 3

Lottery Law (Law No. 144 of 1948),
Article 4

The Law relating to Unit of Currency
and Issue of Coin (Law No. 42 of
1987), Article 10

3 Sector: All Sectors (New Services)

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 104)

Most-Favored-Nation Treatment
(Article 105)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to new services other than those recognized or that should have been recognized owing to the circumstances at the time of entry into force of this Agreement by the Government of Japan.

Any services classified positively and explicitly in JSIC or CPC at the time of entry into force of this Agreement should have been recognized by the Government of Japan at that time.

Japan reserves the right to adopt or maintain any measure relating to the supply of services in any mode of supply in which those services were not technically feasible at the time of entry into force of this Agreement.

This reservation shall not apply to Article 3 of Annex 7.

Existing
Measures:

4 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 104)

Description: Japan reserves the right to adopt or maintain any measure related to research and development subsidies including any direct or indirect contribution, financial or otherwise, to research and development provided by the Government of Japan or any Japanese public body.

Existing
Measures:

5 Sector: Aerospace Industry

Sub-Sector: Machine Repair Related to Aircraft Industry

Industry Classification:

Type of Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector to the extent not inconsistent with its commitments under the GATS.

Existing Measures: Aircraft Manufacturing Industry Law (Law No. 237 of 1952), Articles 2 through 5

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 5

6 Sector: Aerospace Industry

Sub-Sector: Machine Repair Related to Satellites
and Rockets

Industry
Classification:

Type of
Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or
maintain any measure relating to the
supply of services in this sub-sector.

Existing
Measures: Foreign Exchange and Foreign Trade Law
(Law No. 228 of 1949), Article 30

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261 of
1980), Article 5

7 Sector: Arms and Explosives Industry

Sub-Sector: Machine Repair Related to Arms and Explosives Industry

Industry Classification:

Type of Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures:

Ordnance Manufacturing Law (Law No. 145 of 1953), Articles 3 and 5

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 5

8 Sector: Business Services

Sub-Sector: Worker Dispatching Services

Industry
Classification: JSIC 9121 Worker dispatching services

Type of
Reservation: Market Access (Article 106)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of worker dispatching services.

Existing
Measures: Law Concerning Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Law No. 88 of 1985), Chapter 2

9 Sector: Education, Learning Support

Sub-Sector: Primary and Secondary Educational Services

Industry Classification: JSIC 811 Kindergartens

JSIC 812 Elementary schools

JSIC 813 Lower secondary schools

JSIC 814 Upper secondary schools, secondary schools

JSIC 815 Schools for special needs education

Type of Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of primary and secondary educational services.

Existing 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

10 Sector: Energy

Sub-Sector: Machine Repair Related to Nuclear Energy

Industry Classification: JSIC 9011 General machine repair shops, except construction and mining machinery

Note: The activities covered by the reservation under JSIC 9011 are limited to the activities related to nuclear energy industry.

Type of Reservation: National Treatment (Article 104)

Most-Favored-Nation-Treatment (Article 105)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 5

11 Sector: Energy

Sub-Sector: Services Incidental to Energy Distribution (Transmission Services on a Fee or Contract Basis of Electricity)

Industry Classification: JSIC 330 Establishments engaged in administrative or ancillary economic activities

JSIC 331 Production, transmission and distribution of electricity

Type of Reservation: National Treatment (Article 104)

Most-Favored-Nation-Treatment (Article 105)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Electricity Business Law (Law No. 170 of 1964), Articles 3 and 5

12 Sector: Energy

Sub-Sector: Specified Radioactive Waste Final Disposal Services

Industry Classification: JSIC 8899 Waste treatment services, n.e.c.

Type of Reservation: Most-Favored-Nation-Treatment (Article 105)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Specified Radioactive Waste Final Disposal Act (Law No. 117 of 2000), Chapter 5

13 Sector: Energy

Sub-Sector: Transportation Services of Natural Gas on a Fee or Contract Basis

Industry Classification: JSIC 340 Establishments engaged in administrative or ancillary economic activities

JSIC 3411 Gasworks

JSIC 3412 Gas distribution

Type of Reservation: National Treatment (Article 104)

Most-Favored-Nation-Treatment (Article 105)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Gas Business Law (Law No. 51 of 1954), Articles 3 and 5

14 Sector: Financial Services

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

Industry
Classification:

Type of
Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure with respect to cross-border trade in services as defined in subparagraph 1(d)(i) of Article 102 for banking and other financial services, other than:

- (a) securities-related transactions with financial institutions and other entities in Japan as prescribed by the relevant laws and regulations of Japan;
- (b) sales of a beneficiary certificate of an investment trust and an investment security, through securities firms in Japan; and

Note: Solicitation must be conducted by securities firms in Japan.

- (c) provision and transfer of financial information and financial data processing as referred to in subparagraph 1(a)(ii)(K) of Article 2 of Annex 7 and advisory and other auxiliary 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.

Japan reserves the right to adopt or maintain any measure with respect to cross-border trade in services as defined in subparagraph 1(d)(ii) of Article 102 of banking and other financial services, other than the services as referred to in subparagraph 1(a)(ii)(A) to (L) of Article 2 of Annex 7.

Existing
Measures:

Financial Instruments and Exchange Law
(Law No. 25 of 1948), Articles 29,
29bis and 61

- 15 Sector: Financial Services
- Sub-Sector: Insurance and Insurance-Related Services
- Industry Classification:
- Type of Reservation: National Treatment (Article 104)
- Market Access (Article 106)
- Local Presence (Article 107)
- Description: Japan reserves the right to adopt or maintain any measure with respect to cross-border trade in services as defined in subparagraph 1(d)(i) of Article 102 and cross-border trade in services as defined in subparagraph 1(d)(ii) of Article 102 for insurance and insurance-related services, other than the following services, whether supplied by a financial service supplier of Peru established in Peru as a principal, through an intermediary or as an intermediary:
- (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; and
 - (b) reinsurance, retrocession and the services auxiliary to insurance as referred to in subparagraph 1(a)(i)(D) of Article 2 of Annex 7.

Note: Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

Existing
Measures:

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

16 Sector: Fisheries

Sub-Sector: Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf

Industry Classification: JSIC 031 Marine fisheries

JSIC 032 Inland water fisheries

JSIC 041 Marine aquaculture

JSIC 042 Inland water aquaculture

JSIC 8093 Recreational fishing guide business

Type of Reservation: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article 105)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan.

For the purposes of this reservation, "Fisheries" means the work of taking and cultivation of aquatic resources, including the following fisheries related services:

- (a) investigation of aquatic resources without taking such resources;
- (b) luring of aquatic resources;
- (c) preservation and processing of fish catches;
- (d) transportation of fish catches and fish products; and

(e) provision of supplies to other vessels used for fisheries.

Existing
Measures:

Law for Regulation of Fishing
Operation by Foreign Nationals (Law
No. 60 of 1967), Articles 3, 4 and 6

Law concerning the Exercise of
Sovereign Rights concerning Fisheries
in the Exclusive Economic Zones (Law
No. 76 of 1996), Articles 4 through
12 and 14

17 Sector: Information and Communications

Sub-Sector: Broadcasting Industry

Industry
Classification: JSIC 380 Establishments engaged in administrative or ancillary economic activities

JSIC 381 Public broadcasting, except cablecasting

JSIC 382 Private-sector broadcasting except cablecasting

JSIC 383 Cablecasting

Type of
Reservation: National Treatment (Article 104)

Market Access(Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in broadcasting industry.

Existing
Measures: Radio Law (Law No.131 of 1950), Chapter 2

Broadcast Law (Law No. 132 of 1950), Chapters 2 and 5 through 8

18 Sector: Manufacturing

Sub-Sector: Services Incidental to Aircraft Industry, Explosives Industry, Arms Industry and Aerospace Industry

Industry Classification:

Type of Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Aircraft Manufacturing Industry Law (Law No. 237 of 1952), Articles 2 through 5

Ordnance Manufacturing Law (Law No. 145 of 1953), Articles 3 and 5

19 Sector: Public Law Enforcement and
Correctional Services and Social
Services

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article
105)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or
maintain any measure relating to the
supply of services in public law
enforcement and correctional services,
and in social services such as income
security or insurance, social security
or insurance, social welfare, public
training, health and child care.

Existing
Measures:

20 Sector: Security Guard Services

Sub-Sector:

Industry
Classification: JSIC 923 Guard services

Type of
Reservation: National Treatment (Article 104)

Market Access (Article 106)

Local Presence (Article 107)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of security guard services.

Existing
Measures: Security Business Law (Law No. 117 of 1972), Articles 4 and 5

Part 2
Schedule of Peru

1. This Schedule sets out, pursuant to paragraph 2 of Article 108, the reservations taken by Peru with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, 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) "Description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and
- (e) "Existing Measures" identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "Description" 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: All Sectors

Sub-Sector:

Obligations
Concerned: Most-Favored-Nation Treatment (Article
105)

Description: Cross-Border Trade in Services

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 on, 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 agreement in force on, or signed after, the date of entry into force of this Agreement involving:

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

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

Existing
Measures:

2 Sector: All Sectors

Sub-Sector:

Obligations
Concerned: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article
105)

Local Presence (Article 107)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or
maintain any measure with respect to
subsidies or grants provided by the
State, including government-supported
loans, guarantees, and insurance.

Existing
Measures:

3 Sector: Indigenous Communities, Peasant, Native and Minority Affairs

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article 105)

Local Presence (Article 107)

Description: 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:

4 Sector: Services related to Fishing

Sub-Sector:

Obligations
Concerned: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article
105)

Description: Cross-Border Trade in Services

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

Existing
Measures:

5 Sector: Cultural Industries

Sub-Sector:

Obligations

Concerned: Most-Favored-Nation Treatment (Article 105)

Description: Cross-Border Trade in Services

For the 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 arts;

Note: Theatre arts mean live performances or presentations such as drama, dance or music.
- (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, Chapter 7 does not apply to government support for the promotion of cultural industries.

Existing
Measures:

6 Sector: Handicraft Industries

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Description: 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.

Existing
Measures:

7 Sector: Audio-Visual Industry

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Description: 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 exhibition infrastructure in the country and attendance.

Existing
Measures:

8 Sector: Jewelry Design

Theater Arts

Visual Arts

Music

Publishing

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Description: 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:

9 Sector: Audio-Visual Industry

Publishing

Music

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article
105)

Description: 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:

10 Sector: Social Services

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article 105)

Local Presence (Article 107)

Description: 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:

11 Sector: Public Supply of Potable Water

Sub-Sector:

Obligations

Concerned: Local Presence (Article 107)

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:

12 Sector: Public Sewage Services

Sub-Sector:

Obligations

Concerned: Local Presence (Article 107)

Description: Cross-Border Trade in Services

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

Existing
Measures:

13 Sector: Telecommunications

Sub-Sector:

Obligations

Concerned: Most-Favored-Nation Treatment (Article 105)

Local Presence (Article 107)

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:

14 Sector: Education

Sub-Sector:

Obligations

Concerned: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article 105)

Local Presence (Article 107)

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:

15 Sector: Transport

Sub-Sector: Road Transport Services

Obligations

Concerned: National Treatment (Article 104)

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:

16 Sector: Transport

Sub-Sector: International Road Transport Services

Obligations
Concerned: National Treatment (Article 104)

Most-Favored-Nation Treatment (Article
105)

Local Presence (Article 107)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or
maintain any measure relating to the
international land transportation of
cargo or passengers in border areas.

Additionally, Peru reserves the right to
adopt or maintain the following
limitations for the supply of
international land transportation from
Peru:

- (a) the service supplier must be a
Peruvian natural or juridical
person;
- (b) the service supplier must have a
real and effective domicile in
Peru; and
- (c) in the case of juridical persons,
the service supplier must be
legally constituted in Peru.

Existing
Measures:

17 Sector: All Sectors

Sub-Sector:

Obligations

Concerned: Market Access (Article 106)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to Article 106, except for the following sectors and sub-sectors subject to the limitations and conditions listed below:

Legal services:

For the purposes of this non-conforming measure:

- (a) refers to the supply of a service from the Area of a Party into the Area of the other Party;
- (b) refers to the supply of a service in the Area of a Party by a person of that Party to a person of the other Party;
- (c) refers to the supply of a service by covered investments; and
- (d) refers to the supply of a service by a national of a Party in the Area of the other Party.

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*".

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: 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 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.

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*".

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 paragraphs 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".

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".

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: For (a), (b) and (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.

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

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".

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 theater 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 paragraphs shall govern the work of technical personnel involved in artistic activities.

Note: Theater arts mean live performances or presentations such as drama, dance, or music.

- (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 Contratación de Trabajadores Extranjeros*".

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".

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*".

Existing
Measures:

18 Sector: Financial Services

Sub-Sector: Social Services

Obligations

Concerned: Market Access (Article 106)

Description: Peru reserves the right to adopt or maintain measures that do not conform with the obligations of subparagraphs (b) and (c) of Article 106 with respect to the supply of services described in subparagraph 2(a)(ii) of Article 2 of Annex 7.

Existing
Measures:

19 Sector: Financial Services

Sub-Sector: Insurance and Insurance-Related Services

Obligations
Concerned: National Treatment (Article 104)

Local Presence (Article 107)

Description: Peru reserves the right to adopt or maintain measures that restrict the acquisition of obligatory insurance outside of Peru, or that require that obligatory insurance be purchased from suppliers established in Peru, such as Seguro Obligatorio de Accidentes de Transito (SOAT) and Seguro Complementario de Trabajo en Riesgo. These restrictions do not apply to any insurance allowed by Peru to be supplied under subparagraphs 1(d)(i) and 1(d)(iii) of Article 102 in accordance of entry 25 of Part 2 of Annex 5.

Existing
Measures: Ley N° 27181 y su Reglamento aprobado mediante Decreto Supremo 024-2002-MTC.

Ley N° 26790, Ley de la Modernización de la Seguridad Social en Salud, y el Reglamento aprobado por Decreto Supremo N° 03-98-SA.