

RESERVATIONS REGARDING TEMPORARY PRESENCE OF  
NATURAL PERSONS FOR BUSINESS PURPOSES

APPENDIX 1

RESERVATIONS ON KEY PERSONNEL AND GRADUATE TRAINEES  
(referred to in Article 124 of this Agreement)

SECTION A

COLOMBIA

1. The list of reservations below indicates the economic activities liberalised by Colombia pursuant to Article 114 of Title IV (Trade in Services, Establishment, and Electronic Commerce) of this Agreement for which limitations on key personnel and graduate trainees in accordance with Article 124 of this Agreement apply and specifies such limitations. The list is composed of the following elements:
  - (a) first column indicating the sector or sub-sector in which limitations apply; and

- (b) second column describing the applicable reservations.
- 2. Colombia does not undertake any commitment for key personnel and graduate trainees in economic activities which are not liberalised (remain unbound) pursuant to Article 114 of this Agreement.
- 3. In identifying individual sectors and sub-sectors:
  - (a) ISIC rev 3.1 means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, ISIC REV 3.1, 2002.
  - (b) CPC means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, CPC prov, 1991.

4. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, and measures regarding employment, work and social security conditions when they do not constitute a limitation within the meaning of Articles 112 and 113 of this Agreement. Those measures (e.g. need to obtain a license, need to obtain recognition of qualifications in regulated sectors, need to pass specific examinations, including language examinations, need to have a legal domicile in the territory where the economic activity is performed, need to comply with national regulations and practices concerning minimum wages and with collective wage agreements in the host country), even if not listed, apply in any case to key personnel and graduate trainees of the investors of the other Party.
5. In accordance with Article 107 paragraph 3 of this Agreement, the list below does not include measures concerning subsidies granted by the Parties.
6. The list below is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on establishment.
7. The rights and obligations arising from this list of commitments shall have no self-executing effect and thus confer no rights directly to individual natural persons or juridical persons.

Sector or Sub-Sector	Description of Reservations
ALL SECTORS	<p>Minorities and ethnic groups</p> <p>Colombia reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities and ethnic groups, including with respect to the communal lands held by ethnic groups in accordance with Art. 63 of the Constitución Política de Colombia. The ethnic groups in Colombia are: indigenous and Rom (gypsy) people, Afro-Colombian communities and the Raizal community of the Archipelago of San Andrés, Providencia, and Santa Catalina.</p>
ALL SECTORS	<p>Traditional Expressions</p> <p>Colombia reserves the right to adopt or maintain any measure according rights or preferences to local communities with respect to the support and development of expressions relating to intangible cultural patrimony declared pursuant to Resolución No. 0168 de 2005.</p>
ALL SECTORS	Any employer with a staff of more than ten employees must employ Colombians in a proportion of not less than 90 per cent of the staff of ordinary employees and not less than 80 per cent of the skilled employees or specialists, administrative staff or persons in posts of responsibility.
ALL SECTORS	Only natural or juridical persons with their main office in the free port of San Andrés, Providencia, and Santa Catalina may supply services in this region.
2. FISHING AND AQUACULTURE (ISIC rev.3.1: 0501, 0502) excluding advisory and consultancy services	Only Colombian nationals may engage in artisanal fishing
6. BUSINESS SERVICES	
. A. Professional Services	
b) 1. Accounting and Bookkeeping Services (CPC 862)	Only persons registered with the Junta Central de Contadores may practice as accountants. A foreign national must have been domiciled continuously in Colombia for at least three years prior to the registration request and demonstrate accounting experience carried out in the territory of Colombia for a period of not less than one year.
c) Taxation Advisory Services (CPC 863)	
C. Research and Development Services	
a) Research and Development services on natural sciences (CPC 851)	Any foreign person planning to undertake scientific research on biological diversity in the territory of Colombia must involve at least one Colombian researcher in the research or analysis of the results of such research.

Sector or Sub-Sector	Description of Reservations
F. Other Business Services	
g) Advisory and Consulting Services Relating to Fishing (part of CPC 882)	Only Colombian nationals may engage in artisanal fishing
12. FINANCIAL SERVICES	
A. Insurance and insurance-related services	A foreign national who has resided in Colombia for less than one year may not supply services in Colombia as an insurance agent.
16. TRANSPORT SERVICES	
A. Maritime transport	In Colombian flag vessels and foreign-flagged vessels (except those relating to fishing) that operate in Colombian jurisdictional waters for a period of time longer than six months, continuous or discontinues, from the date of the issuing of the respective permit, the captain, officials and at least the eighty (80) per cent of the rest of the crew must be Colombians. Pilotage on Colombian territorial seas and rivers may only be performed by Colombian nationals.
a) Passenger transportation (CPC 7221)	
b) Freight transportation (CPC 7112)	
B. Internal Waterways Transport	Pilotage on Colombian territorial seas and rivers may only be performed by Colombian nationals.
a) Passenger transportation (CPC 7221)	
b) Freight transportation (CPC 7222)	
g) Rental of Vessels for maritime navigation with Crew (CPC 72130)	
Customs Services	In order to perform customs intermediation, intermediation for postal services ("intermediación para servicios postales") and "mensajería especializada" <sup>1</sup> (including express delivery), deposit of merchandise, transportation of merchandise under the customs control, or international cargo services, or to act as Permanent Customs Users ("Usuarios Aduaneros Permanentes") or Highly Exporting Users ("Usuarios Altamente Exportadores"), a person must be domiciled in Colombia or have a domiciled representative legally responsible for their activities in Colombia.

<sup>1</sup> "Servicio de mensajería especializada" means the class of postal services that is supplied independently of the official postal networks for national and international mail, and that requires the application and adoption of special procedures for the receipt, collection, and personal delivery of mail and other postal objects transported by land and air within or from the territory of Colombia.

## SECTION B

### EU PARTY

The following abbreviations are used:

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
ES	Spain
EE	Estonia
EU	European Union, including all its Member States
FI	Finland
FR	France
EL	Greece
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal

RO	Romania
SK	Slovak Republic
SI	Slovenia
SE	Sweden
UK	United Kingdom

1. The list of reservations below indicates the economic activities liberalised pursuant to Article 114 of this Agreement for which limitations on key personnel and graduate trainees in accordance with Article 124 of this Agreement apply and specifies such limitations. The lists are composed of the following elements:
  - (a) a first column indicating the sector or sub-sector in which limitations apply; and
  - (b) a second column describing the applicable limitations.

When the column referred to under subparagraph (b) only includes European Union Member State -specific reservations, European Union Member States not mentioned therein undertake commitments in the sector concerned without reservations<sup>1</sup>.

The European Union and its Member States do not undertake any commitment for key personnel and graduate trainees in economic activities which are not liberalised (remain unbound) pursuant to article 114 of this Agreement.

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<sup>1</sup> The absence of European Union Member State-specific reservations in a given sector is without prejudice to horizontal reservations or to sectoral European Union -broad reservations that may apply.

2. In identifying individual sectors and sub-sectors:
  - (a) "ISIC rev 3.1" means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, ISIC REV 3.1, 2002;
  - (b) "CPC" means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, CPC prov, 1991; and
  - (c) "CPC ver. 1.0" means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, CPC ver 1.0, 1998.
3. Commitments on key personnel and graduate trainees do not apply in cases where the intent or effect of their temporary presence is to interfere with or otherwise affect the outcome of any labour/management dispute or negotiation.

4. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, and measures regarding employment, work and social security conditions when they do not constitute a limitation within the meaning of Articles 112 and 113 of this Agreement. Those measures (e.g. need to obtain a license, need to obtain recognition of qualifications in regulated sectors, need to pass specific examinations, including language examinations, need to have a legal domicile in the territory where the economic activity is performed, need to comply with national regulations and practices concerning minimum wages and with collective wage agreements in the host country), even if not listed, apply in any case to key personnel and graduate trainees of investors of another Party. In accordance with Article 107 paragraph 3 of this Agreement, the list below does not include measures concerning subsidies granted by the Parties.
  
5. All requirements of the laws and regulations of the European Union and its Member States regarding entry, stay, work and social security measures shall continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements even if not listed below.

6. The list below is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on establishment.
7. In those sectors where economic needs tests are applied, their main criteria will be the assessment of the relevant market situation in the European Union Member States or the region where the service is to be provided, including with respect to the number of, and the impact on, existing services suppliers.
8. The rights and obligations arising from this list of reservations shall have no self-executing effect and thus confer no rights directly to individual natural persons or juridical persons.

Sector or Sub-Sector	Description of Reservations
ALL SECTORS	<p style="text-align: center;">Economic needs test</p> BG, HU: Economic needs test is required for graduate trainees.
ALL SECTORS	<p style="text-align: center;">Scope of intra-corporate transfers</p> BG: The number of intra-corporate transferees is not to exceed 10 per cent of the average annual number of the European Union citizens employed by the respective Bulgarian juridical person: Where less than 100 persons are employed, the number of intra-corporate transferees may, subject to authorisation, exceed 10 per cent. HU: Unbound for natural persons who have been a partner in a juridical person of another Party.
ALL SECTORS	<p style="text-align: center;">Managing directors and auditors</p> AT: Managing directors of branches of juridical persons have to be resident in Austria; natural persons responsible within a juridical person or a branch for the observance of the Austrian Trade Act must have a domicile in Austria. FI: A foreigner carrying on trade as private entrepreneur needs a trade permit and has to be permanently resident in the European Union. For all sectors, except telecommunications services, nationality condition and residence requirement for the managing director of a limited company. For telecommunications services, permanent residency for the managing director. FR: The managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorisation. RO: The majority of the commercial companies' auditors and their deputies shall be Romanian citizens. SE: The managing director of a juridical person or a branch shall reside in Sweden.
ALL SECTORS	<p style="text-align: center;">Recognition</p> EU: European Union directives on mutual recognition of diplomas only apply to European Union nationals. The right to practise a regulated professional service in one European Union Member State does not grant the right to practice in another European Union Member State <sup>2</sup> .

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<sup>2</sup> In order for third-country nationals to obtain European Union -wide recognition of their qualifications, it is necessary a Mutual Recognition Agreement negotiated within the framework defined in Article 129 of this Agreement.

Sector or Sub-Sector	Description of Reservations
4. MANUFACTURING <sup>3</sup>	
H. Publishing, printing and reproduction of recorded media (ISIC rev 3.1: 22), excluding publishing and printing on a fee or contract basis <sup>4</sup>	IT: Nationality condition for publisher. PL: Nationality condition for the editor-in-chief of newspapers and journals. SE: Residency requirements for publisher and owner of publishing and printing company.
6. BUSINESS SERVICES	
A. Professional Services	
a) Legal Services (CPC 861) <sup>5</sup> excluding legal advisory and legal documentations and certification services provided by legal professionals entrusted with public functions, such as notaries, huissiers de justice or other officiers publics et ministériels	AT, CY, ES, EL, LT, MT, RO, SK: Full admission to the Bar, required for the practice of domestic (European Union and its Member States) law, is subject to a nationality condition. For ES, the competent authorities may grant waivers. BE, FI: Full admission to the Bar, required for legal representation services, is subject to a nationality condition, coupled with residency requirements. In Belgium quotas apply for appearing before the "Cour de cassation" in non-criminal cases. BG: Foreign lawyers can only provide legal representation services of a national of their home country and subject to reciprocity and cooperation with a Bulgarian lawyer. For legal mediation services permanent residence is required. FR: Lawyers' access to the profession of "avocat auprès de la Cour de Cassation" and "avocat auprès du Conseil d'Etat" is subject to quotas and to a nationality condition. HU: Full admission to the Bar is subject to a nationality condition, coupled with residency requirements. For foreign lawyers the scope of legal activities is limited to the provision of legal advice, which has to take place on the basis of a collaboration contract concluded with a Hungarian attorney or law firm.

<sup>3</sup> This sector does not include advisory services incidental to manufacturing, which are to be found in BUSINESS SERVICES under 6.F.h).

<sup>4</sup> Publishing and printing on a fee or contract basis is to be found in BUSINESS SERVICES under 6.F.p).

<sup>5</sup> Includes legal advisory, legal representational, legal arbitration and conciliation/mediation, and legal documentation and certification services.

Provision of legal services is only authorised in respect of public international law, European Union law and the law of any jurisdiction where the service supplier or its personnel is qualified to practice as a lawyer, and, like the provision of other services, is subject to licensing requirements and procedures applicable in European Union Member States. For lawyers providing legal services in respect of public international law and foreign law, these may take inter alia the form of compliance with local codes of ethics, use of home title (unless recognition with the host title has been obtained) insurance requirements, simple registration with the host country Bar or a simplified admission to the host country Bar through an aptitude test and a legal or professional domicile in the host country. Legal services in respect of European Union law shall in principle be carried out by or through a fully qualified lawyer admitted to the Bar in the European Union acting personally, and legal services in respect of the law of a European Union Member State shall in principle be carried out by or through a fully qualified lawyer admitted to the Bar in that European Union Member State acting personally. Full admission to the Bar in the relevant European Union Member State might therefore be necessary for representation before Courts and other competent authorities in the European Union since it involves practice of European Union and national procedural law. However, in some European Union Member States, foreign lawyers not fully admitted to the Bar are allowed to represent in civil proceedings a party being a national or belonging to the State in which the lawyer is entitled to practice.

Sector or Sub-Sector	Description of Reservations
	<p>LV: Nationality requirement for sworn solicitors, to whom legal representation in criminal proceedings is reserved.</p> <p>DK: Marketing of legal advice activities is restricted to lawyers with a Danish license to practice. Requirement of a Danish legal examination in order to obtain a Danish licence.</p> <p>LU: Nationality condition for the supply of legal services in respect of Luxembourg and European Union law.</p> <p>SE: Admission to the Bar, necessary only for the use of the Swedish title "advokat", is subject to a residency requirement.</p>
<p>b) 1. Accounting and Bookkeeping Services (CPC 86212 other than "auditing services", CPC 86213, CPC 86219 and CPC 86220)</p>	<p>FR: Provision of accounting and bookkeeping services is conditional on a decision of the Minister of Economics, Finance and Industry, in agreement with the Minister of Foreign Affairs. The requirement of residence cannot exceed 5 years.</p>
<p>b) 2. Auditing services (CPC 86211 and 86212 other than accounting services)</p>	<p>AT: Nationality condition for representation before competent authorities and for performing audits provided for in specific Austrian laws (e.g. joint stock companies law, stock exchange law, banking law, etc.)</p> <p>DK: Residence requirement.</p> <p>ES: Condition of nationality for statutory auditors and for administrators, directors and partners of companies other than those covered by the 8th EEC directive on company law.</p> <p>FI: Residency requirement for at least one of the auditors of a Finnish Liability company.</p> <p>EL: Condition of nationality for statutory auditors.</p> <p>IT: Condition of nationality for administrators, directors and partners of companies other than those covered by the 8th EEC directive on company law. Residence requirement for individual auditors.</p> <p>SE: Only auditors approved in Sweden may perform legal auditing services in certain legal entities, a.o. in all limited companies. Residency required for approval.</p>
<p>c) Taxation Advisory Services (CPC 863)<sup>6</sup></p>	<p>AT: Nationality condition for representation before competent authorities.</p> <p>BG, SI: Nationality condition for specialists.</p> <p>HU: Residency requirement</p>

<sup>6</sup> Does not include legal advisory and legal representational services on tax matters, which are to be found under 1.A.a). Legal services.

Sector or Sub-Sector	Description of Reservations
d) Architectural services and e) Urban planning and landscape architectural services (CPC 8671 and CPC 8674)	EE: At least one responsible person (project manager or consultant) must be resident in Estonia BG: Foreign specialists must have experience in the field of construction of at least two years. Nationality condition for urban planning and landscape architectural services EL, HU, SK: Residence requirement
f) Engineering services and g) Integrated engineering services (CPC 8672 and CPC 8673)	EE: At least one responsible person (project manager or consultant) must be resident in Estonia BG: Foreign specialists must have experience in the field of construction of at least two years. EL, HU, SK: Residence requirement.
h) Medical (including psychologists) and Dental services (CPC 9312 and part of CPC 85201)	CZ, IT, SK: Residence requirement. CZ, EE, RO, SK: Authorization by the competent authorities required for foreign natural persons. BE, LU: For graduate trainees, authorization by the competent authorities required for foreign natural persons. BG, CY, MT: Condition of nationality. DE: Condition of nationality which can be waived on an exceptional basis in cases of public health interest. DK: Limited authorization to fulfil a specific function can be given for maximum 18 months and requires residence. FR: Condition of nationality. However, access is possible within annually established quotas. LV: Practice of medical profession by foreigners requires the permission from local health authority, based on economic needs for medical doctors and dentists in a given region. PL: Practice of medical profession by foreigners requires the permission. Foreign medical doctors have limited election rights within the professional chambers. PT: Residence requirement for psychologists.
i) Veterinary services (CPC 932)	BG, CY, DE, EE, EL, FR, HU, MT, SI: Nationality condition. CZ, SK: Nationality condition and residence requirement. IT: Residence requirement. PL: Nationality requirement. Foreign persons may apply for permission to practice

Sector or Sub-Sector	Description of Reservations
j) 1. Midwives services (part of CPC 93191)	<p>AT: In order to establish a professional practice in Austria, the person concerned must have practised the profession in question at least three years preceding the setting up of that professional practice.</p> <p>BE, LU: For graduate trainees, authorization by the competent authorities required for foreign natural persons.</p> <p>CZ, CY, EE, RO, SK: Authorization by the competent authorities required for foreign natural persons.</p> <p>FR: Condition of nationality. However, access is possible within annually established quotas.</p> <p>HU: Nationality condition.</p> <p>IT: Residence requirement.</p> <p>LV: Economic needs determined by the total number of midwives in the given region, authorized by local health authorities.</p> <p>PL: Nationality condition. Foreign persons may apply for permission to practice.</p>
j) 2. Services provided by Nurses, Physiotherapists and Paramedical Personnel (part of CPC 93191)	<p>AT: Foreign services suppliers are only allowed in the following activities: nurses, physiotherapists, occupational therapists, logotherapists, dieticians and nutritionists. In order to establish a professional practice in Austria, the person concerned must have practised the profession in question at least three years preceding the setting up of that professional practice.</p> <p>BE, FR, LU: For graduate trainees, authorization by the competent authorities required for foreign natural persons.</p> <p>CY, CZ, EE, RO, SK: Authorization by the competent authorities required for foreign natural persons.</p> <p>HU: Condition of nationality.</p> <p>DK: Limited authorization to fulfil a specific function can be given for maximum 18 months and requires residence.</p> <p>CY, CZ, EL, IT: Subject to economic needs test: decision is subject to regional vacancies and shortages.</p> <p>LV: Economic needs determined by the total number of nurses in the given region, authorized by local health authorities.</p>
k) Retail sales of pharmaceuticals and retail sales of medical and orthopaedical goods (CPC 63211) and other services supplied by pharmacists <sup>7</sup>	<p>FR: Condition of nationality. However, within established quotas, access for third country nationals is possible provided the service provider holds the French degree in pharmacy.</p> <p>DE, EL, SK: Condition of nationality</p> <p>HU: Condition of nationality except for retail sales of pharmaceuticals and retail sales of medical and orthopaedical goods (CPC 63211).</p> <p>IT, PT: Residence requirement.</p>

<sup>7</sup> The supply of pharmaceuticals to the general public, like the provision of other services, is subject to licensing and qualification requirements and procedures applicable in European Union Member States. As a general rule, this activity is reserved to pharmacists. In some European Union Member States, only the supply of prescription drugs is reserved to pharmacists.

Sector or Sub-Sector	Description of Reservations
D. Real Estate Services <sup>8</sup>	
a) Involving Own or Leased Property (CPC 821)	FR, HU, IT, PT: Residence requirement. LV, MT, SI: Nationality condition.
b) On a Fee or Contract Basis (CPC 822)	DK: Residence requirement unless waived by the Danish Commerce and Companies Agency. FR, HU, IT, PT: Residence requirement LV, MT, SI: Nationality condition.
E. Rental/Leasing Services without Operators	
e) Relating to personal and household goods (CPC 832)	EU: Nationality condition for graduate trainees. AT, BE, BG, CY, CZ, DE, DK, ES, FI, FR, EL, IE, IT, LU, MT, NL, PL, PT, RO, SK, SI, SE, UK: Nationality condition for specialists
f) Telecommunications equipment rental (CPC 7541)	EU: Nationality condition for specialists and for graduate trainees.
F. Other Business Services	
e) Technical Testing and Analysis Services (CPC 8676)	IT, PT: Residence requirements for biologist and chemical analyst.
f) Advisory and Consulting services incidental to Agriculture, Hunting and Forestry (part of CPC 881)	IT: Residence requirements for agronomists and "periti agrari".
j) 2. Security Services (CPC 87302, CPC 87303, CPC 87304 and CPC 87305)	BE: Nationality condition and residence requirement for management personnel. BG, CY, CZ, EE, LV, LT, MT, PL, RO, SI, SK: Nationality condition and residence requirement. DK: Nationality condition and residence requirement for managers and for airport guard services. ES, PT: Nationality condition for specialized personnel. FR: Nationality condition for managing directors and directors. IT: Nationality condition and residence requirement in order to obtain necessary authorization for security guard services and the transport of valuables.

<sup>8</sup> The service involved relates to the profession of real estate agent and does not affect any rights and/or restrictions on natural and juridical persons purchasing real estate.

Sector or Sub-Sector	Description of Reservations
k) Related Scientific and Technical Consulting Services (CPC 8675)	BG: Nationality condition for specialists. DE: Nationality condition for publicly appointed surveyors. FR: Nationality condition for "surveying" operations relating to the establishment of property rights and to land law. IT, PT: Residence requirement.
l) 1. Maintenance and repair of vessels (part of CPC 8868)	MT: Nationality condition.
l) 2. Maintenance and Repair of Rail Transport Equipment (part of CPC 8868)	LV: Nationality condition.
l) 3. Maintenance and Repair of motor vehicles, motorcycles, snowmobiles and road transport Equipment (CPC 6112, CPC 6122, part of CPC 8867 and part of CPC 8868)	EU: For maintenance and repair of motor vehicles, motorcycles and snowmobiles, nationality condition for specialists and for graduate trainees.
l) 5. Maintenance and Repair services of metal products, of (non office) machinery, of (non transport and non office) equipment and of personal and household goods <sup>9</sup> (CPC 633, CPC 7545, CPC 8861, CPC 8862, CPC 8864, CPC 8865 and CPC 8866)	EU: Nationality condition for specialists and for graduate trainees.
m) Building-Cleaning Services (CPC 874)	CY, EE, MT, PL, RO, SI: Nationality condition for specialists.
n) Photographic Services (CPC 875)	LV: Nationality condition for speciality photography services. PL: Nationality condition for the supply of aerial photographic services.
p) Printing and Publishing (CPC 88442)	SE: Residency requirements for publisher and owner of publishing and printing company
r) 1. Translation and Interpretation Services (CPC 87905)	FI: Residence requirement for certified translators DK: Residence requirement for authorized public translators and interpreters, unless waived by the Danish Commerce and Companies Agency.
q) Convention Services (part of CPC 87909)	SI: Nationality condition.

<sup>9</sup> Maintenance and repair services of transport equipment (CPC 6112, 6122, 8867 and CPC 8868) are to be found under 6.F. l) 1 to 6.F.l) 4.  
Maintenance and repair services of office machinery and equipment including computers (CPC 845) are to be found under 6.B. Computer services.

Sector or Sub-Sector	Description of Reservations
r) 3. Collection Agency Services (CPC 87902)	BE, EL, IT: Nationality condition.
r) 4. Credit reporting services (CPC 87901)	BE, EL, IT: Nationality condition.
r) 5. Duplicating services (CPC 87904) <sup>10</sup>	AT, BE, BG, CY, CZ, DE, DK, ES, EE, FI, FR, EL, HU, IE, IT, LT, LU, MT, NL, PL, PT, RO, SK, SI, SE, UK: Nationality condition for specialists and for graduate trainees. LV: Economic needs test for specialists and nationality condition for graduate trainees.
8. CONSTRUCTION AND RELATED ENGINEERING SERVICES (CPC 511, CPC 512, CPC 513, CPC 514, CPC 515, CPC 516, CPC 517 and CPC 518)	BG: Foreign specialists must have experience in the field of construction of at least two years.
9. DISTRIBUTION SERVICES (excluding distribution of arms, munitions and war material)	
C. Retailing Services <sup>11</sup>	
c) Food retailing services (CPC 631)	FR: Condition of nationality for tobacconists (i.e. buraliste)
10. EDUCATIONAL SERVICES (only privately funded services)	
A. Primary Education Services (CPC 921)	FR: Condition of nationality. However, third country nationals may obtain authorisation from competent authorities to establish and direct an education institution and to teach. IT: Condition of nationality for service providers who are authorised to issue State-recognized diplomas. EL: condition of nationality for teachers.
B. Secondary Education Services (CPC 922)	FR: Condition of nationality. However, third country nationals may obtain authorisation from competent authorities to establish and direct an education institution and to teach. IT: Condition of nationality for service providers who are authorised to issue State-recognized diplomas. EL: Condition of nationality for teachers. LV: Condition of nationality for technical and vocational secondary school-type education services for handicapped students (CPC 9224)

<sup>10</sup> It does not include printing services, which fall under CPC 88442 and are to be found under 6.F p).

<sup>11</sup> Does not include maintenance and repair services, which are to be found in BUSINESS SERVICES under 6.B. and 6.F.I).

It does not include retailing services of energy products which are to be found in ENERGY SERVICES under 18.E and 18.F.

Sector or Sub-Sector	Description of Reservations
C. Higher Education Services (CPC 923)	<p>FR: Condition of nationality. However, third country nationals may obtain authorisation from competent authorities to establish and direct an education institution and to teach.</p> <p>CZ, SK: Condition of nationality for higher education services, except for post-secondary technical and vocational education services (CPC 92310).</p> <p>IT: Condition of nationality for service providers who are authorised to issue State-recognized diplomas.</p> <p>DK: Condition of nationality for professors.</p>
<b>12. FINANCIAL SERVICES</b>	
A. Insurance and insurance-related services	<p>AT: The management of a branch office must consist of two natural persons resident in Austria.</p> <p>EE: For direct insurance, the management body of an insurance joint-stock company with foreign capital participation may include citizens of non-European Union countries only in proportion to the foreign participation and not more than half of the members of the management group. The head of the management of a subsidiary or an independent company must permanently reside in Estonia.</p> <p>ES: Residency requirement and three years of experience for the actuarial profession.</p> <p>IT: Residency requirement for the actuarial profession.</p> <p>FI: The managing directors and at least one auditor of an insurance company shall have their place of residence in the European Union, unless the competent authorities have granted an exemption. The general agent of the foreign insurance company shall have his/her place of residence in Finland, unless the company has its head office in the European Union.</p> <p>PL: Residency requirement for insurance intermediaries</p>
B. Banking and other financial services (excluding insurance)	<p>BG: Permanent residence in Bulgaria is required for the executive directors and the managerial agent.</p> <p>FI: The managing directors and at least one auditor of credits institutions shall have their place of residence in the European Union, unless the Financial Supervision Authority has granted an exemption. The broker (individual person) on derivative exchange shall have his/her place of residence in the European Union.</p> <p>IT: Condition of residence within the territory of a European Union Member State for "promotori di servizi finanziari" (financial salesmen)</p> <p>LT: At least one manager must be a European Union citizen.</p> <p>PL: Nationality requirement for at least one of the bank executives.</p>

Sector or Sub-Sector	Description of Reservations
13. HEALTH SERVICES AND SOCIAL SERVICES (only privately funded services) A. Hospital Services (CPC 9311) B. Ambulance Services (CPC 93192) C. Residential health facilities other than hospital services (CPC 93193) E. Social Services (CPC 933)	FR: The necessary authorisation for the access to management functions takes into consideration the availability of local managers. LV: Economic needs tests for doctors, dentists, midwives, nurses, physiotherapists and para-medical personnel. PL: Practice of medical profession by foreigners requires the permission. Foreign medical doctors have limited election rights within the professional chambers.
14. TOURISM AND TRAVEL RELATED SERVICES	
A. Hotel, Restaurants and Catering (CPC 641, CPC 642 and CPC 643) excluding catering in air transport services <sup>12</sup>	BG: The number of foreign managers is not to exceed the number of managers who are Bulgarian citizens, in cases where the public (state and/or municipal) share in the equity capital of a Bulgarian company exceeds 50 per cent
B. Travel Agencies and Tour Operators Services (including tour managers) (CPC 7471)	BG: The number of foreign managers is not to exceed the number of managers who are Bulgarian citizens, in cases where the public (state and/or municipal) share in the equity capital of a Bulgarian company exceeds 50 per cent
C. Tourist Guides Services (CPC 7472)	ES, FR, EL, IT, PL, PT: Nationality condition ES, IT: The right to exercise the profession is reserved for the local organisations of tourist guides
15. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audio-visual services)	
A. Entertainment Services (including Theatre, Live Bands, Circus and Discotheque Services) (CPC 9619)	FR: The necessary authorisation for the access to management functions is subject to a condition of nationality when the authorisation for more than two years is required

<sup>12</sup> Catering in air transport services is to be found in SERVICES AUXILIARY TO TRANSPORT SERVICES under 17.D.a) Groundhandling services

Sector or Sub-Sector	Description of Reservations
16. TRANSPORT SERVICES	
A. Maritime transport	
a) International passenger transportation (CPC 7211 less national cabotage transport). b) International freight transportation (CPC 7212 less national cabotage transport) <sup>13</sup>	EU: Nationality condition for ships' crews AT: Nationality condition for the majority of managing directors
D. Road Transport	
a) Passenger Transportation (CPC 7121 and CPC 7122)	AT: Nationality condition for persons and shareholders entitled to represent a juridical person or a partnership DK: Nationality condition and residence requirement for managers. BG, MT: Nationality condition
b) Freight Transportation (CPC 7123, excluding transportation of mail on own account <sup>14</sup> ).	AT: Nationality condition for persons and shareholders entitled to represent a juridical person or a partnership BG, MT: Nationality condition
E. Pipeline transport of goods other than fuel <sup>15</sup> (CPC 7139)	AT: Nationality condition for managing directors.
17 SERVICES AUXILIARY TO TRANSPORT <sup>16</sup>	
A. Services auxiliary to Maritime Transport a) Maritime Cargo Handling Services b) Storage and warehousing Services (part of CPC 742) c) Customs Clearance Services d) Container Station and Depot Services e) Maritime Agency Services f) Maritime Freight Forwarding Services	EU: Nationality condition for crews for pushing, towing services, and for supporting services for maritime transport. AT: Nationality condition for the majority of managing directors for a), d), h), g), h), and i). BG, MT: Nationality condition DK: Requirement of residence for customs clearance services EL: Nationality condition for customs clearance services IT: Requirement of residence for "raccomandatorio marittimo"

<sup>13</sup> Includes feeder services and movement of equipment by international maritime transport suppliers between ports located in same State when no revenue is involved

<sup>14</sup> Part of CPC 71235, which is to be found in COMMUNICATION SERVICES under 7.A. Postal and courier services.

<sup>15</sup> Pipeline transportation of fuels is to be found in ENERGY SERVICES under 18.B.

<sup>16</sup> Does not include maintenance and repair services of transport equipment, which are to be found in BUSINESS SERVICES under 6.F.1) 1 to 6.F.1) 4.

Sector or Sub-Sector	Description of Reservations
g) Rental of Vessels with Crew (CPC 7213) h) Pushing and towing services (CPC 7214) i) Supporting services for maritime transport (part of CPC 745) j) Other supporting and auxiliary services (part of CPC 749)	
B. Services auxiliary to internal waterways transport e) Pushing and towing services (CPC 7224) f) Supporting services for internal waterway transport (part of CPC 745)	EU: Nationality condition for crews
C. Services auxiliary to road transport d) Rental of Commercial Road Vehicles with Operators (CPC 7124) e) Customs clearance services	AT: Nationality condition for persons and shareholders entitled to represent a juridical person or a partnership for rental of commercial road vehicles with operators services. BG, MT: Nationality condition DK: Requirement of residence for customs clearance services EL: Nationality condition for customs clearance services PL: National restrictions concerning direct representation in customs clearance services: it can be performed by customs agents only who have the residence in the territory of European Union. FR: Unbound except if full reciprocity is granted. NL: The admittance of natural or juridical persons to act as customs representatives is subject to discretion by the inspector, as provided by articles 1(3) and 1(9) of the General Customs Act. Admittance will be denied in case the applicant has been irrevocably sentenced for a criminal act in the past five years. Customs representatives, who are not a resident of or established in the Netherlands, are required to take residence or establish a fixed location in the Netherlands, before they perform activities as an admitted customs representative.

Sector or Sub-Sector	Description of Reservations
D. Services auxiliary to rail transport <sup>17</sup> a) Customs clearance services	BG, MT: Nationality condition DK: Requirement of residence for customs clearance services EL: Nationality condition for customs clearance services PL: National restrictions concerning direct representation in customs clearance services: it can be performed by customs agents only who have the residence in the territory of European Union. FR: Unbound except if full reciprocity is granted. NL: The admittance of natural or juridical persons to act as customs representatives is subject to discretion by the inspector, as provided by articles 1(3) and 1(9) of the General Customs Act. Admittance will be denied in case the applicant has been irrevocably sentenced for a criminal act in the past five years. Customs representatives, who are not a resident of or established in the Netherlands, are required to take residence or establish a fixed location in the Netherlands, before they perform activities as an admitted customs representative.
E. Services auxiliary to air transport services a) Customs clearance services	BG, MT: Nationality condition DK: Requirement of residence for customs clearance services EL: Nationality condition for customs clearance services PL: National restrictions concerning direct representation in customs clearance services: it can be performed by customs agents only who have the residence in the territory of European Union. FR: Unbound except if full reciprocity is granted. NL: The admittance of natural or juridical persons to act as customs representatives is subject to discretion by the inspector, as provided by articles 1(3) and 1(9) of the General Customs Act. Admittance will be denied in case the applicant has been irrevocably sentenced for a criminal act in the past five years. Customs representatives, who are not a resident of or established in the Netherlands, are required to take residence or establish a fixed location in the Netherlands, before they perform activities as an admitted customs representative.

<sup>17</sup> The horizontal limitation on public utilities applies when the services require the use of the public domain.

Sector or Sub-Sector	Description of Reservations
F. Services auxiliary to pipeline transport of goods other than fuel <sup>18</sup> a) Storage and warehouse services of goods other than fuel transported by pipelines (part of CPC 742)	AT: Nationality condition for managing directors.
18. ENERGY SERVICES	
A. Services Incidental to Mining (CPC 883) <sup>19</sup>	SK: Residence requirement.
19. OTHER SERVICES NOT INCLUDED ELSEWHERE	
a) Washing, Cleaning and Dyeing services (CPC 9701)	EU: Nationality condition for specialists and for graduate trainees
b) Hairdressing services (CPC 97021)	BE, BG, CY, CZ, DE, DK, ES, EE, FI, FR, EL, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SK, SI, SE, UK: Nationality condition for specialists and for graduate trainees. AT: Nationality condition for graduate trainees.

<sup>18</sup> Services auxiliary to pipeline transportation of fuels are to be found in ENERGY SERVICES. under 18.C.

<sup>19</sup> Includes the following service rendered on a fee or contract basis: advisory and consulting services relating to mining, on land site preparation, on land rig installation, drilling, drilling bits services, casing and tubular services, mud engineering and supply, solids control, fishing and downhole special operations, wellsite geology and drilling control, core taking, well testing, wireline services, supply and operation of completion fluids (brines) supply and installation of completion devices, cementing (pressure pumping), stimulation services (fracturing, acidising and pressure pumping), workover and well repair services, plugging and abandoning of wells.

Does not include direct access to or exploitation of natural resources.

Does not include site preparation work for mining of resources other than oil and gas (CPC 5115), which is to be found under 8. CONSTRUCTION SERVICES.

Sector or Sub-Sector	Description of Reservations
c) Cosmetic treatment, manicuring and pedicuring services (CPC 97022)	BE, BG, CY, CZ, DE, DK, ES, EE, FI, FR, EL, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SK, SI, SE, UK: Nationality condition for specialists and for graduate trainees. AT: Nationality condition for graduate trainees.
d) Other beauty treatment services n.e.c (CPC 97029)	BE, BG, CY, CZ, DE, DK, ES, EE, FI, FR, EL, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SK, SI, SE, UK: Nationality condition for specialists and for graduate trainees. AT: Nationality condition for graduate trainees.
e) Spa services and non therapeutical massages, to the extent that they are provided as relaxation physical well-being services and not for medical or rehabilitation purposes <sup>20</sup> (CPC ver. 1.0 97230)	EU: Nationality condition for specialists and for graduate trainees.

<sup>20</sup> Therapeutical massages and thermal cure services are to be found under 6.A.h) Medical services, 6.A.j) 2 Services provided by nurses, physiotherapists and para-medical personnel and health services (13.A and 13 C).

## SECTION C

### PERU

1. The list of reservations below indicates the economic activities committed pursuant to Article 114 of this Agreement, for which limitations on key personnel and graduate trainees in accordance with Article 124 of this Agreement apply and specifies such limitations. The lists are composed of the following elements:
  - (a) first column indicating the sector or sub-sector in which reservations apply; and
  - (b) a second column describing the applicable reservations, the mode of supply and the obligation affected (Market Access – MA or National Treatment – NT). The MA and NT commitments are independent.

Peru does not undertake any commitment for key personnel and graduate trainees in economic activities which are not committed (remain unbound) pursuant to Article 114 of this Agreement.

2. In identifying individual sectors and sub-sectors:
  - (a) ISIC rev 3.1 means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No 4, ISIC REV 3.1, 2002; and
  - (b) CPC means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No 77, CPC prov, 1991.
3. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, and measures regarding employment, work and social security conditions when they do not constitute a limitation within the meaning of Articles 112 and 113 of this Agreement. Those measures (e.g. need to obtain a license, need to obtain recognition of qualifications in regulated sectors, need to pass specific examinations, including language examinations, need to have a legal domicile in the territory where the economic activity is performed, need to comply with national regulations and practices concerning minimum wages and with collective wage agreements in the host country), even if not listed, apply in any case to key personnel and graduate trainees of the investor of the other Party.
4. In accordance with paragraph 3 of Article 107 of this Agreement, the list below does not include measures concerning subsidies or grants granted by the Parties.

5. The list below is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on establishment.
6. The rights and obligations arising from this list of commitments shall have no self-executing effect and thus confer no rights directly to individual natural persons or juridical persons.

Sector or Sub-Sector	Description of Reservations
<p>ALL SECTORS INCLUDED IN THIS LIST</p>	<p>Note: For greater certainty, in accordance with the Title IV of this Agreement, this Section is subject to the reservations on Establishment and Cross-Border Supply of Services. In this sense, the reservations listed in these Sections are applicable to this section.</p> <p>These commitments apply to all sectors listed under the lists for the Sections on Cross-Border, Trade in Services and Establishment in service and not services sectors. The attached sector list below refers to those sectors where:</p> <ul style="list-style-type: none"> <li>(i) "Unbound" commitments with reference to the horizontal section are assumed. This means that no obligation on Key Personnel and Graduate Trainees apply to that sector or sub-sector.</li> <li>(ii) the Market Access and National Treatment restrictions are listed directly. This means that there are additional sector-specific restrictions in addition to the horizontal.</li> <li>(iii) when the field is not mentioned, but the sector was undertaken in the list of Cross-Border Services or establishment, means that the category of key personnel and graduate trainees applies with no restriction.</li> </ul> <p>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 reservation: "ethnic groups" means indigenous, native and peasant communities<sup>1</sup>.</p> <p>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<sup>2</sup>.</p>

<sup>1</sup> This reservation will not apply, to the extent of the inconsistency, to the sub-sectors and modes committed by Peru in its Schedule of Commitments of 1994 (GATS/SC/69) and its modifications in the documents GATS/SC/69/Suppl.1 and GATS/SC/Suppl.2 of GATS.

<sup>2</sup> Idem, footnote 1.

Sector or Sub-Sector	Description of Reservations
	<p data-bbox="549 253 826 282">Hiring of foreign workers</p> <p data-bbox="549 282 1433 342">The intra-corporate transfers, as well as the graduate trainees, may supply services in Peru subject to the following measures:</p> <ul style="list-style-type: none"> <li data-bbox="549 342 1437 434">– must have a labour contract celebrated in written form with a set period and it must be previously approved by the Ministry of Labor ("Ministerio de Trabajo") as a condition to obtain authorization of entry as worker;</li> <li data-bbox="549 434 1406 495">– the maximum period of time of the contract is three years, which may be subsequently extended for like periods of time;</li> <li data-bbox="549 495 1310 524">– commitment to train national personnel in the same occupation;</li> <li data-bbox="549 524 1406 584">– all employers in Peru, independently of their activity or nationality, shall give preferential treatment to nationals when hiring its employees; and</li> <li data-bbox="549 584 1437 676">– foreign natural persons may not represent more than 20 per cent of the total number of employees of an enterprise, and their pay may not exceed 30 per cent of the total payroll for wages and salaries.</li> </ul> <p data-bbox="549 712 1150 741">These percentages will not apply in the following cases:</p> <ul style="list-style-type: none"> <li data-bbox="549 741 1426 801">– when the foreign national providing the service is the spouse, parent, child or sibling of a Peruvian national;</li> <li data-bbox="549 801 1426 893">– when the personnel is working for a foreign enterprise providing international land, air and water transport services under a foreign flag and registration;</li> <li data-bbox="549 893 1426 985">– when the foreign personnel works in a multinational bank or an enterprise that provides multinational services, subject to the laws governing specific cases;</li> <li data-bbox="549 985 1442 1077">– for a foreign investor, provided that its investment permanently maintains in Peru at least five Tributary Tax Units "UITs – Unidad Impositiva Tributaria" during the life of its contract<sup>3</sup>;</li> <li data-bbox="549 1077 1426 1137">– for artists, athletes or other service-providers engaged in public performances in Peruvian territory, for a maximum of three months a year;</li> <li data-bbox="549 1137 1129 1167">– when a foreign national has an immigrant visa;</li> <li data-bbox="549 1167 1406 1227">– for a foreign national whose country of origin has a labour reciprocity or dual nationality agreement with Peru; and</li> <li data-bbox="549 1227 1362 1288">– when foreign personnel provides services in Peru under a bilateral or multilateral agreement concluded by the Peruvian Government.</li> </ul>

<sup>3</sup> The Tributary Tax Unit 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.

Sector or Sub-Sector	Description of Reservations
	<p>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:</p> <ul style="list-style-type: none"> <li>– specialised professional or technical personnel;</li> <li>– directors or management personnel for new a business activity or reconverted business activity;</li> <li>– 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;</li> <li>– personnel working for public or private enterprises with contractual agreements with public organizations, institutions or enterprises; and</li> <li>– in any other case determined by Supreme Decree pursuant to specialization, qualification or experience criteria.</li> </ul> <p>Peru may require a national of the other Party seeking temporary entry to Peru under this Section, to obtain a visa or an equivalent requirement prior to entry.</p> <p>For greater certainty, the migratory agency maintains the authority to grant or deny the authorization for the temporary entry or stay of persons covered under this Section.</p> <p><b>Theater Arts, Visual Arts, Music and Publishing</b> 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.</p> <p><b>Audio-visual industry, Publishing and Music</b> Peru reserves the right to adopt or maintain any measure that affords to a natural person or juridical person of the other Party the treatment that is afforded by that other Party to Peruvian natural or juridical persons in the audiovisual, publishing, and music sectors.</p>
1. BUSINESS SERVICES	
A. PROFESSIONAL SERVICES	<p>In order to provide professional services in Peru, diplomas which have been obtained abroad must be recognised by the competent authority in Peru. Residence in Peru is required, with no nationality discrimination, for the recognition of diplomas. Moreover, in some professions it is required to be an active member of the relevant professional body in order to practice the profession.</p>

Sector or Sub-Sector	Description of Reservations
a) Legal Services (CPC 861)	MA: None, except that the number of notary positions depends of the number of inhabitants of each city. NT: None, except that only Peruvian nationals by birth may practice as a notary.
b) Accounting, auditing and book-keeping services (CPC 862)	MA, NT: None, except that auditing societies shall be constituted only and exclusively by public accountants licensed and resident in the country and duly qualified by the Board of Public Accountants of Lima ("Colegio de Contadores Públicos de Lima"). No partner may be a member of another auditory society in Peru.
d) Architectural services (CPC 8671)	MA: None, except that to obtain temporary registration, non-resident foreign architects must have a contract of association with a Peruvian architect residing in Peru. NT: None, except that 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 12 times. For greater transparency, the current enrolment fees are: (a) US\$250 for a Peruvian national with a degree from a Peruvian university; (b) US\$400 for a Peruvian national with a degree from a foreign university; or (c) US\$3,000 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.
g) Urban planning and landscape architectural services (CPC 8674)	MA: None, except that to obtain temporary registration, non-resident foreign architects must have a contract of association with a Peruvian architect residing in Peru. NT: None, except that 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 12 times. For greater transparency, the current enrolment fees are: (a) US\$250 for a Peruvian national with a degree from a Peruvian university; (b) US\$400 for a Peruvian national with a degree from a foreign university; or (c) US\$3,000 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.

Sector or Sub-Sector	Description of Reservations
C. RESEARCH AND DEVELOPMENT SERVICES (CPC 85)	<p>MA: None, except that a permission of operation or authorization 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.</p> <p>NT: None, except that archaeological research projects headed by foreign archaeologists must employ a Peruvian archaeologist with accredited experience registered in the National Registry of Archaeologists as scientific co-director or sub-director of the project. The co-director and sub-director shall participate in the integral execution of the project (field and office work).</p>
F. OTHER BUSINESS SERVICES	
a) Advertising services (CPC 871)	<p>MA, NT: None, except that: commercial advertising produced in Peru, must have at least 80 per cent of national artists. National artists shall receive no less than 60 per cent 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.</p>
g) Services incidental to fishing (CPC 882)	<p>MA, NT: Foreign-flagged fishing vessels with a fishing permit must have on board a scientific technical observer appointed by the Sea Institute of Peru ("IMARPE – Instituto del Mar del Perú"). 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.</p> <p>Shipowners of foreign-flagged fishing vessels that operate in Peruvian jurisdictional waters must hire a minimum of 30 per cent of Peruvian crew, subject to applicable domestic legislation.</p> <p>Peru reserves the right to adopt or maintain any measure relating to artisanal fishing.</p>
l) Investigation and security (CPC 873)	<p>NT: None, except that persons hired as security watchmen must be Peruvian nationals by birth. A senior manager of an enterprise that supplies security services must be a Peruvian national by birth and be a resident of Peru.</p>

Sector or Sub-Sector	Description of Reservations
5. EDUCATIONAL SERVICES	<p>The commitments under this section do not apply to the public education services and the public training.</p> <p>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.</p>
<p>A. PRIMARY EDUCATION SERVICES (CPC 921)</p> <p>B. SECONDARY EDUCATION SERVICES (CPC 922)</p> <p>C. HIGHER EDUCATION SERVICES (CPC 923)</p> <p>D. ADULT EDUCATION (CPC 924)</p>	MA: Unbound
6. ENVIRONMENTAL SERVICES	<p>MA: Unbound</p> <p>NT: Peru reserves the right to adopt or maintain any measure in relation to the key personnel and graduate trainees in the public supply of potable water and public sewage services.</p>
7. FINANCIAL SERVICES	NT: Peru may require that the administrators of a financial services 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.

Sector or Sub-Sector	Description of Reservations
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES	
A. ENTERTAINMENT SERVICES	<p>MA, NT: (a) any domestic artistic audiovisual production and (b) any domestic artistic live performances must be comprised at least of 80 per cent of national artists. National artists shall receive no less than 60 per cent 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. 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 per cent Peruvian nationals as artists and 15 per cent Peruvian nationals as technicians. The same percentages shall apply to the payroll of salaries and wages.</p> <p>The remaining 20 per cent may be performed by foreign artists provided that they certify a contract celebrated before its entrance, have an artist visa and the corresponding inter-syndical pass.</p> <p>The percentages related to domestic artistic live performance (as referred in (b)) shall not be applied in the case of performances given by foreign casts hired as such outside Peru provided that their performance constitute the entire work or entertainment and are properly qualified as cultural performance.</p> <p>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.</p>

Sector or Sub-Sector	Description of Reservations
11. TRANSPORT SERVICES	
<p data-bbox="181 286 523 344">A. MARITIME TRANSPORT SERVICES</p> <p data-bbox="181 376 523 560">International transport (freight and passengers) (CPC 7211 and 7212) Except cabotage (as defined in paragraph 1 of Note 1 of this Section)</p> <p data-bbox="181 591 523 680">B. INTERNAL WATERWAYS TRANSPORT (only international transport)</p> <ul style="list-style-type: none"> <li data-bbox="181 712 523 801">– Passenger transportation (CPC 7221)</li> <li data-bbox="181 810 523 869">– Freight transportation (CPC 7222)</li> </ul> <p data-bbox="181 878 523 958">Except cabotage (as defined in paragraph 1 of Note 1 of this Section)</p>	<ul style="list-style-type: none"> <li data-bbox="549 286 1453 344">– The chairman of the board of directors, the majority of the directors, and the General Manager must be Peruvian nationals and residents in Peru.</li> <li data-bbox="549 353 1453 560">– The captain and crew of Peruvian-flagged vessels must be entirely Peruvian nationals authorised 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 per cent of the total crew, and for a limited period of time. The latter exception does not reach the captain of the vessel.</li> <li data-bbox="549 568 1453 600">– Only a Peruvian national may be a licensed harbor pilot.</li> </ul>
F. ROAD TRANSPORT SERVICES	
<p data-bbox="181 1115 523 1173">a) Passenger transportation (CPC 7121+7122)</p> <p data-bbox="181 1205 523 1263">b) Freight transportation (CPC 7123)</p> <p data-bbox="181 1294 523 1352">Except road cabotage transport</p>	<p data-bbox="549 1115 1453 1173">Peru reserves the right to adopt or maintain any measure relating to the international land transportation of cargo or passengers in border areas.</p>

Sector or Sub-Sector	Description of Reservations
SERVICES AUXILIARY TO TRANSPORT	
<p>A. SERVICES AUXILIARY TO MARITIME TRANSPORT</p> <p>B. SERVICES AUXILIARY TO INTERNAL WATERWAYS TRANSPORT</p>	<p>NT: 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.</p> <p>For customs clearance services, the legal representative and each Director and Manager must be resident in Peru. The corporate legal representative must be a Peruvian national. For greater certainty, the corporate legal representative is not necessarily the General Manager of the customs clearance enterprises.</p>
C. SERVICES AUXILIARY TO RAIL TRANSPORT	<p>For customs clearance services, the legal representative and each Director and Manager must be resident in Peru. The corporate legal representative must be a Peruvian national. For greater certainty, the corporate legal representative is not necessarily the General Manager of the customs clearance enterprises.</p>
D. SERVICES AUXILIARY TO ROAD TRANSPORT	<p>For customs clearance services, the legal representative and each Director and Manager must be resident in Peru. The corporate legal representative must be a Peruvian national. For greater certainty, the corporate legal representative is not necessarily the General Manager of the customs clearance enterprises.</p>
E. SERVICES AUXILIARY TO AIR TRANSPORT SERVICES	<p>For customs clearance services, the legal representative and each Director and Manager must be resident in Peru. The corporate legal representative must be a Peruvian national. For greater certainty, the corporate legal representative is not necessarily the General Manager of the customs clearance enterprises.</p>
ENERGY SERVICES SERVICES RELATED TO EXPLORATION AND PRODUCTION	<p>For celebrating exploration contracts, foreign enterprises must establish a branch or form a company in accordance with the <i>Ley General de Sociedades</i>, be domiciled in the capital of the Republic of Peru and appoint a Peruvian as mandatary. Foreign natural persons must be registered with the Public Registry and appoint agent of Peruvian nationality, residing in the capital of the Republic of Peru.</p>

## APPENDIX 2

### RESERVATIONS ON CONTRACTUAL SERVICES SUPPLIERS AND INDEPENDENT PROFESSIONALS

(referred to in Article 126 and 127 of this Agreement)

#### SECTION A

#### COLOMBIA

1. The list of reservations below indicates the services sectors liberalised by Colombia pursuant to Articles 126 and 127 of Title IV (Trade in Services, Establishment and Electronic Commerce) of this Agreement for which limitations on contractual services suppliers and independent professionals apply. The list is composed of the following elements:

- (a) first column indicating the sector or sub-sector in which limitations apply;
  - (b) second column describing the applicable reservations.
2. Colombia does not undertake any commitment for key personnel and graduate trainees in economic activities which are not liberalised (remain unbound) pursuant to Articles 126 and 127 of this Agreement.
3. In identifying individual sectors and sub-sectors:
- (a) ISIC rev 3.1 means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, ISIC REV 3.1, 2002.
  - (b) CPC means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, CPC prov, 1991.

4. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, and measures regarding employment, work and social security conditions when they do not constitute a limitation within the meaning of Articles 112 and 113 of this Agreement. Those measures (e.g. need to obtain a license, need to obtain recognition of qualifications in regulated sectors, need to pass specific examinations, including language examinations, need to have a legal domicile in the territory where the economic activity is performed, need to comply with national regulations and practices concerning minimum wages and with collective wage agreements in the host country), even if not listed, apply in any case to key personnel and graduate trainees of the investors of the other Party.
5. In accordance with Article 107 paragraph 3 of this Agreement, the list below does not include measures concerning subsidies granted by the Parties.
6. The list below is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on establishment.
7. The rights and obligations arising from this list of commitments shall have no self-executing effect and thus confer no rights directly to individual natural persons or juridical persons.

Sector or Sub-Sector	Description of Reservations
ALL SECTORS	<p style="text-align: center;">Minorities and ethnic groups</p> <p>Colombia reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities and ethnic groups, including with respect to the communal lands held by ethnic groups in accordance with Art. 63 of the Constitución Política de Colombia. The ethnic groups in Colombia are: indigenous and Rom (gypsy) people, Afro-Colombian communities and the Raizal community of the Archipelago of San Andrés, Providencia and Santa Catalina.</p>
ALL SECTORS	<p style="text-align: center;">Traditional Expressions</p> <p>Colombia reserves the right to adopt or maintain any measure according rights or preferences to local communities with respect to the support and development of expressions relating to intangible cultural patrimony declared pursuant to Resolución No. 0168 de 2005.</p>
ALL SECTORS	<p>Any employer with a staff of more than ten employees must employ Colombians in a proportion of not less than 90 per cent of the staff of ordinary employees and not less than 80 per cent of the skilled employees or specialists, administrative staff or persons in posts of responsibility.</p>
ALL SECTORS	<p>Only natural or juridical persons with their main office in the free port of San Andrés, Providencia and Santa Catalina may supply services in this region.</p>
<b>6. . BUSINESS SERVICES</b>	
<b>A. Professional Services</b>	
<p>b) 1. Accounting and Bookkeeping Services (CPC 862)</p> <p>c) Taxation Advisory Services (CPC 863)</p>	<p>Only persons registered with the Junta Central de Contadores may practice as accountants. A foreign national must have been domiciled continuously in Colombia for at least three years prior to the registration request and demonstrate accounting experience carried out in the territory of Colombia for a period of not less than one year. This experience may be acquired while engaging in public accounting studies or thereafter.</p>

Sector or Sub-Sector	Description of Reservations
C. Research and Development Services	
a) Research and development services on physical sciences	<p>Any foreign person planning to undertake scientific research on biological diversity in the territory of Colombia must involve at least one Colombian researcher in the research or analysis of the results of such research.</p> <p>For greater certainty, this measure does not address the rights of any person in relation to the scientific research or analysis.</p>
12. FINANCIAL SERVICES A. Insurance and insurance-related services	A foreign national who has resided in Colombia for less than one year may not supply services in Colombia as an insurance agent.
15. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services  B. News agency services (CPC 962)	The director or general manager of a newspaper published in Colombia that focuses on Colombian politics must be a Colombian national.

## SECTION B

### EU PARTY

The following abbreviations are used:

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
ES	Spain
EE	Estonia
EU	European Union, including all its Member States
FI	Finland
FR	France
EL	Greece
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal

RO	Romania
SK	Slovak Republic
SI	Slovenia
SE	Sweden
UK	United Kingdom

1. The list of reservations below indicates the services sectors liberalised by the EU Party pursuant to Articles 126, paragraphs 2 and 3 and 127, paragraphs 2 and 3 of this Agreement and the specific discriminatory limitations which apply thereto.

The lists are composed of the following elements:

- (a) a first column indicating the sector or sub-sector in which limitations apply; and
- (b) a second column describing the applicable limitations;

When no specific limitations, other than those specified in Title IV of this Agreement, apply to both contractual service suppliers (hereinafter referred to as "CSS") and independent professionals (hereinafter referred to as "IP"), "none" is inscribed next to the relevant European Union Member State(s).

2. In identifying individual sectors and sub-sectors, "CPC" means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No 77, CPC prov, 1991.
3. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, and measures regarding employment, work and social security conditions when they do not constitute a discriminatory limitation within the meaning of Articles 126 paragraphs 2 and 3 and 127, paragraphs 2 and 3 of this Agreement. Those measures (e.g. need to obtain a license, need to obtain recognition of qualifications in regulated sectors, need to pass specific examinations, including language examinations, need to have a legal domicile where the activity is performed, need to comply with national regulations and practices concerning minimum wages and with collective wage agreements in the host country), even if not listed, apply in any case to CSS and IP of another Party.
4. In accordance with Article 107 paragraph 3 of this Agreement, the list below does not include measures concerning subsidies granted by the Parties.
5. All requirements of the laws and regulations of the European Union and of its Member States regarding entry, stay, work and social security measures shall continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements even if not listed below.

6. The list below is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on establishment.
7. In those sectors where economic needs tests are applied, their main criteria will be the assessment of the relevant market situation in the European Union Member State or the region where the service is to be provided, including with respect to the number of, and the impact on, existing services suppliers.
8. The rights and obligations arising from this list of reservations shall have no self-executing effect and thus confer no rights directly to individual natural persons or juridical persons.
9. Commitments on CSS and IP do not apply in cases where the intent or effect of their temporary presence is to interfere with or otherwise affect the outcome of any labour/management dispute or negotiation.

Sector or Sub-Sector	Description of Reservations
ALL SECTORS <sup>1</sup>	<p style="text-align: center;">Transitional periods</p> <p>BG, RO: Commitments shall enter into force with effect from 1 January 2014.</p> <p>AT, BE, DE, DK, EL, ES, FI, FR, IE, IT, LU, NL, PT, SE, UK: None.</p> <p style="text-align: center;">Recognition</p> <p>EU: European Union directives on mutual recognition of diplomas only apply to nationals of European Union Member States. The right to practise a regulated professional service in one European Union Member State does not grant the right to practise in another European Union Member State<sup>2</sup>.</p>
Legal Advisory Services in respect of public international law and foreign law (i.e. non- European Union law) (part of CPC 861) <sup>3</sup>	<p>AT, CY, DE, EE, IE, LU, NL, SE, UK: None.</p> <p>ES, IT, EL, PL: Economic needs test for IP.</p> <p>LV: Economic needs test for CSS.</p> <p>BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations.</p> <p>BG, CZ, DK, FI, HU, LT, MT, PT, RO, SI, SK: Economic needs tests.</p> <p>DK: Marketing of legal advice activities is restricted to lawyers with a Danish license to practice. Requirement of a Danish legal examination in order to obtain a Danish licence.</p> <p>FR: Full (simplified) admission to the Bar through an aptitude test is required.</p>
Accounting and Bookkeeping Services (CPC 86212 other than "auditing services", CPC 86213, CPC 86219 and CPC 86220)	<p>CY, DE, EE, ES, IE, IT, LU, NL, PL, SI, SE, UK: None.</p> <p>AT: The employer must be member of the relevant professional body in the home country where such body exists.</p> <p>BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations.</p> <p>FR: Authorisation requirement.</p> <p>BG, CZ, DK, EL, FI, HU, LT, LV, MT, PT, RO, SK: Economic needs test.</p>

<sup>1</sup> Note for transparency for BE: where applicable, the referred to annual wage amount is currently set at 33,677 euro (March 2007).

<sup>2</sup> In order for third-country nationals to obtain European Union-wide recognition of their qualifications, it is necessary a Mutual Recognition Agreement negotiated within the framework defined in Article 129 of this Agreement.

<sup>3</sup> Provision of these services, like the provision of other services, is subject to licensing requirements and procedures applicable in the European Union Member States. These may take *inter alia* the form of compliance with local codes of ethics, use of home title (unless recognition with the host title has been obtained) insurance requirements, simple registration with the host country Bar or a simplified admission to the host country Bar through an aptitude test and a legal or professional domicile in the host country.

Sector or Sub-Sector	Description of Reservations
Taxation Advisory Services (CPC 863) <sup>4</sup>	CY, DE, EE, ES, FR, IE, IT, LU, NL, PL, SI, SE, UK: None. AT: The employer must be member of the relevant professional body in the home country where such body exists; nationality condition for representation before competent authorities. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. BG, CZ, DK, EL, FI, HU, LT, LV, MT, RO, SK: Economic needs test. PT: Unbound. HU: Residence requirement.
Architectural services and Urban planning and landscape architectural services (CPC 8671 and CPC 8674)	CY, EE, EL, FR, IE, LU, MT, NL, SI, SE, UK: None. ES, IT, PL: Economic needs test for IP. LV: Economic needs test for CSS. FI: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. DK: Economic needs test except for CSS stays of up to three months. BG, CZ, DE, FI, HU, LT, PT, RO, SK: Economic needs test. AT: Planning services only, where: Economic needs test. HU: Residence requirement.
Engineering services and Integrated engineering services (CPC 8672 and CPC 8673)	CY, EE, EL, FR, IE, LU, MT, NL, SI, SE, UK: None. ES, IT, PL, PT: Economic needs test for IP. LV: Economic needs test for CSS. FI: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. DK: Economic needs test except for CSS stays of up to three months. BG, CZ, DE, FI, HU, LT, RO, SK: Economic needs test. AT: Planning services only, where: Economic needs test. HU: Residence requirement.

<sup>4</sup> Does not include legal advisory and legal representational services on tax matters, which are to be found under Legal Advisory Services in respect of public international law and foreign law.

Sector or Sub-Sector	Description of Reservations
Medical (including psychologists) and dental services (CPC 9312 and part of CPC 85201)	SE: None. CY, CZ, DE, DK, EE, ES <sup>5</sup> , IE, IT, LU, MT, NL, PL, RO, SI: Economic needs test. AT: Unbound except for psychologists and dental services, where: Economic needs test. BE, BG, EL, FI, FR, HU, LT, LV, PT, SK, UK: Unbound.
Veterinary services (CPC 932)	SE: None. BE, CY, CZ, DE, DK, EE, EL, ES <sup>6</sup> , FI, IE, IT, LT, LU, MT, NL, PL, RO, SI: Economic needs test. AT, BG, FR, HU, LV, PT, SK, UK: Unbound.
Midwives services (part of CPC 93191)	SE: None. AT, CY, CZ, DE, DK, EE, EL, ES, IE, IT, LT, LV, LU, MT, NL, PL, RO, SI: Economic needs test. BE, BG, FI, FR, HU, PT, SK, UK: Unbound.
Services provided by nurses, physiotherapists and paramedical personnel (part of CPC 93191)	SE: None. AT, CY, CZ, DE, DK, EE, EL, ES, IE, IT, LT, LV, LU, MT, NL, PL, RO, SI: Economic needs test. BE, BG, FI, FR, HU, PT, SK, UK: Unbound.
Computer and Related Services (CPC 84)	CY, DE, EE, EL, FR, IE, LU, MT, NL, SI, SE: None. ES, IT, PL: Economic needs test for IP. LV: Economic needs test for CSS. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. DK: Economic needs test except for CSS stays of up to three months. AT, BG, CZ, FI, HU, LT, RO, PT, SK, UK: Economic needs test.
Market Research and Opinion Polling (CPC 864)	CY, DE, EE, FR, IE, LU, NL, SE, UK: None. ES, IT, PL: Economic needs test for IP. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DK, EL, FI, LT, LV, MT, RO, SI, SK: Economic needs test. LT, PT: Unbound for public opinion polling services (CPC 86402). HU: Economic needs test except for public opinion polling services (CPC 86402), where: Unbound.

<sup>5</sup> For medical (including psychologists) and dental services (CPC 9312 and part of CPC 85201) and as concerns Spain only, the economic needs test requirement does not apply to Colombia.

<sup>6</sup> For veterinary services (CPC 932) and as concerns Spain only, the economic needs test requirement does not apply to Colombia.

Sector or Sub-Sector	Description of Reservations
Management Consulting Services (CPC 865)	CY, DE, EE, EL, FR, IE, LV, LU, MT, NL, SI, SE, UK: None. ES, IT, PL, PT: Economic needs test for IP. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. DK: Economic needs test except for CSS stays of up to three months. AT, BG, CZ, FI, HU, LT, RO, SK: Economic needs test.
Services Related to Management Consulting (CPC 866)	CY, DE, EE, EL, FR, IE, LV, LU, MT, NL, SI, SE, UK: None. ES, IT, PL, PT: Economic needs test for IP. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. DK: Economic needs test except for CSS stays of up to three months. AT, BG, CZ, FI, LT, RO, SK: Economic needs test. HU: Economic needs test, except for arbitration and conciliation services (CPC 86602), where: Unbound.
Maintenance and repair of vessels (part of CPC 8868)	CY, EE, EL, ES, FR, IT, LV, LU, NL, PL, PT, SK, SI, SE: None BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, MT, RO, UK: Economic needs test.
Maintenance and repair of rail transport equipment (part of CPC 8868)	CY, EE, EL, ES, FR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test.
Maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment (CPC 6112, CPC 6122, part of CPC 8867 and part of CPC 8868)	CY, EE, EL, ES, FR, IT, LV, LU, NL, PL, PT, SI, SE: None. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, MT, RO, SK: Economic needs test. UK: Economic needs test for maintenance and repair of motor vehicles, motorcycles, snowmobiles (CPC 6112, CPC 6122, part of CPC 8867).
Maintenance and repair of aircraft and parts thereof (part of CPC 8868)	CY, EE, EL, ES, FR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test.

Sector or Sub-Sector	Description of Reservations
Maintenance and repair of metal products, of (non office) machinery, of (non transport and non office) equipment and of personal and household goods <sup>7</sup> (CPC 633, CPC 7545, CPC 8861, CPC 8862, CPC 8864, CPC 8865 and CPC 8866)	CY, EE, EL, ES, FR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test.
Design services	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. ES: none for CSS, unbound for IP.
Chemical engineering, pharmaceuticals, photochemistry	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HU, IE, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. ES, IT: none for CSS, unbound for Impendent Professionals.
Services in cosmetics technology	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. ES: none for CSS, unbound for IP.
Specialised services in technology, engineering, marketing and sales for the automotive sector	AT, BE, BG, CY, CZ, ES, DE, DK, EE, EL, FI, FR, HU, IE, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. IT: none for CSS, Economic needs test for IP.
Commercial design services and marketing for the fashion textile industry, garments, footwear and articles	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. ES: none for CSS, unbound for IP.
Translation and Interpretation Services (CPC 87905, excluding official or certified activities)	CY, EE, FR, LU, LV, MT, NL, PT, SI, SE, UK: None. AT, BE, BG, CZ, DE, DK, ES, EL, FI, HU, IE, IT, LT, PL, RO, SK: Economic needs test.

<sup>7</sup> Maintenance and repair services of office machinery and equipment including computers (CPC 845) are to be found under Computer services.

## SECTION C

### PERU

1. The list of reservations below indicates the reservations of Peru pursuant to Articles 126 and 127 of this Agreement, for which limitations on contractual service suppliers and independent professionals apply and specifies such limitations. The lists are composed of the following elements:
  - (a) first column indicating the sector or sub-sector in which reservations apply; and
  - (b) a second column describing the applicable reservations.

Peru does not undertake any commitment for contractual service suppliers and independent professionals in economic activities which are not committed (remain unbound) pursuant to articles 126 and 127 of this Agreement.

2. In identifying individual sectors and sub-sectors, CPC means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No 77, CPC prov, 1991.

3. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, and measures regarding employment, work and social security conditions when they do not constitute a limitation within the meaning of this Agreement. Those measures (e.g. need to obtain a license, need to obtain recognition of qualifications in regulated sectors, need to pass specific examinations, including language examinations, need to have a legal domicile in the territory where the economic activity is performed, need to comply with national regulations and practices concerning minimum wages), even if not listed, apply in any case to contractual service suppliers and independent professionals of the other party.
4. In accordance with paragraph 3 of Article 107 of this Agreement, the list below does not include measures concerning subsidies or grants granted by the Parties.
5. The list below is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on establishment.
6. The rights and obligations arising from this list of commitments shall have no self-executing effect and thus confer no rights directly to individual natural persons or juridical persons.

Sector or Sub-Sector	Description of Reservations
<p>ALL SECTORS INCLUDED IN THIS LIST</p>	<p>Peru reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities and ethnic groups. For the purposes of this reservation: "ethnic groups" means indigenous, native and peasant communities<sup>230</sup>.</p> <p>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<sup>231</sup>.</p> <p>Hiring of foreign workers All employers in Peru, independently of their activity or nationality, shall give preferential treatment to nationals when hiring its employees.</p> <p>Foreign natural persons who are service providers and who are employed in Peru 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.</p> <p>Foreign natural persons may not represent more than 20 per cent of the total number of employees of an enterprise, and their pay may not exceed 30 per cent of the total payroll for wages and salaries. These percentages will not apply in the following cases:</p> <ul style="list-style-type: none"> <li>– when the foreign national providing the service is the spouse, parent, child or sibling of a Peruvian national;</li> <li>– when the personnel is working for a foreign enterprise providing international land, air and water transport services under a foreign flag and registration;</li> <li>– when the foreign personnel works in a multinational bank or an enterprise that provides multinational services, subject to the laws governing specific cases;</li> <li>– for a foreign investor, provided that its investment permanently maintains in Peru at least five Tributary Tax Units "UITs - Unidad Impositiva Tributaria" during the life of its contract<sup>232</sup>;</li> </ul>

<sup>230</sup> This reservation will not apply, to the extent of the inconsistency, to the sub-sectors and modes committed by Peru in its Schedule of Commitments of 1994 (GATS/SC/69) and its modifications in the documents GATS/SC/69/Suppl.1 and GATS/SC/Suppl.2 of GATS.

<sup>231</sup> Idem, footnote 1.

<sup>232</sup> The Tributary Tax Unit 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.

Sector or Sub-Sector	Description of Reservations
	<ul style="list-style-type: none"> <li>– for artists, athletes or other service-providers engaged in public performances in Peruvian territory, for a maximum of three months a year;</li> <li>– when a foreign national has an immigrant visa;</li> <li>– for a foreign national whose country of origin has a labour reciprocity or dual nationality agreement with Peru; and</li> <li>– when foreign personnel provides services in Peru under a bilateral or multilateral agreement concluded by the Peruvian Government.</li> </ul> <p>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: specialized professional or technical personnel;</p> <ul style="list-style-type: none"> <li>– directors or management personnel for new a business activity or reconverted business activity;</li> <li>– 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;</li> <li>– personnel working for public or private enterprises with contractual agreements with public organizations, institutions or enterprises; and</li> <li>– in any other case determined by Supreme Decree pursuant to specialization, qualification or experience criteria.</li> </ul> <p>Theater Arts, Visual Arts, Music and Publishing 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.</p> <p>Audio-visual industry, Publishing and Music Peru reserves the right to adopt or maintain any measure that affords to a natural person or juridical person of the other Party the treatment that is afforded by that other Party to Peruvian natural or juridical persons in the audiovisual, publishing, and music sectors.</p> <p>In order to provide professional services in Peru, diplomas which have been obtained abroad must be recognised by the competent authority in Peru. Residence in Peru is required for the recognition of diplomas. Moreover, in some professions it is required to be an active member of the relevant professional body in order to practice the profession.</p>

Sector or Sub-Sector	Description of Reservations
2) Accounting, auditing and book-keeping services	Auditing societies shall be constituted only and exclusively by public accountants licensed and resident in the country and duly qualified by the Board of Public Accountants of Lima ("Colegio de Contadores Públicos de Lima"). No partner may be a member of another auditory society in Peru.
4) Architectural services	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 12 times. For greater transparency, the current enrolment fees are: (a) US\$250 for a Peruvian national with a degree from a Peruvian university; (b) US\$400 for a Peruvian national with a degree from a foreign university; or (c) US\$3,000 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.
5) Urban planning and landscape architectural services	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 12 times. For greater transparency, the current enrolment fees are: (a) US\$250 for a Peruvian national with a degree from a Peruvian university; (b) US\$400 for a Peruvian national with a degree from a foreign university; or (c) US\$3,000 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.

## NOTE 1

### LIST OF INTERNATIONAL MARITIME TRANSPORT SERVICES

Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this List, a multimodal transport operator (as defined in paragraph 3 below) shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations.

"Reasonable and non-discriminatory terms and conditions" means, for the purpose of multimodal transport operations, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date.

## DEFINITIONS

1. In the case of Peru, "cabotage" or "commercial water transportation in national traffic" is performed between Peruvian ports, in accordance with the provisions of Article 2 of the Legislative Decree 683 of 2001.
2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of the other Party to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of supply. For greater certainty, this commitment does not grant rights to operate as maritime transport enterprise or national ship enterprise in Peru.

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;

- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerized information systems and electronic data interchange (subject to the provisions of the Section on Telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency; and
- (f) acting on behalf of the companies, organizing the call of the ship or taking over cargoes when required.

3. "Multimodal transport operators" means the person on whose behalf the bill of lading, multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
  
4. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organized independently of the stevedoring or terminal operator companies. The activities covered include the organization and supervision of:
  - (a) the loading/discharging of cargo to/from a ship;
  
  - (b) the lashing/unlashing of cargo;
  
  - (c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.
  
5. "Customs clearance services" (alternatively "customs house brokers services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

6. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
  7. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
    - (a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
    - (b) acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
  8. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.
-