Annex I - Schedule of Peru

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 803)

Measures: Constitución Política del Perú (1993), artículo 71

Decreto Legislativo N° 757, Diario Oficial "El Peruano" del 13 de noviembre de 1991, Ley Marco para el Crecimiento de la Inversión Privada, artículo 13

Description: Investment

No foreign national, enterprise constituted under foreign law or enterprise constituted under Peruvian law, and owned in whole or part, directly or indirectly, by foreign nationals may acquire or own, directly or indirectly, by any title, land or water (including mines, forest or energy sources) located within 50 kilometers of the Peruvian border. Exceptions may be authorized by Supreme Decree approved by the Council of Ministers in conformity with law in cases of expressly declared public necessity.

For each case of acquisition or possession within the referred area, the investor shall hand in the correspondent request to the relevant Ministry, pursuant to laws in force. For example, authorizations of this kind have been given in the mining sector.

Sector: Fishing and Services related to Fishing

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 903)

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

Description: Cross-Border Trade in Services

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

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

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

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

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 903)
Senior Management and Boards of Directors (Article 806)

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

Description: Investment and Cross-Border Trade in Services

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

Foreign natural persons who are service providers and who are employed by a service-providing enterprise may provide services in Peru under a written and time-limited employment contract, which may not exceed 3 years. The contract may be subsequently extended for like periods of time. Service-providing enterprises must show proof of the company's commitment to train national personnel in the same occupation.

Foreign natural persons may not represent more than 20 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:

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

(b)# when the personnel is working for a foreign enterprise providing international land, air and water transport services under a foreign flag and registration;

(c)# when the foreign personnel works in a multinational bank or an enterprise that provides multinational services, subject to the laws governing specific cases;

(d)# for a foreign investor, provided that its investment permanently maintains in Peru at least five units "*Unidad Impositiva Tributaria*" ("UITs")[1] during the life of its contract;

(e)# for artists, athletes or other service-providers engaged in public performances in Peruvian territory, for a maximum of three months a year;

(f)# when a foreign national has an immigrant visa;

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

(g)# for a foreign national whose country of origin has a labour reciprocity or dual nationality agreement with Peru; and

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

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

(a)# specialized professional or technical personnel;

(b)# directors or management personnel for new a business activity or reconverted business activity;

(c)# teachers hired for post secondary education, or for foreign private elementary and high schools; or for language teaching in local private schools; or for specialized language centers;

(d)# personnel working for public or private enterprises with contractual agreements with public organizations, institutions or enterprises; and

(e)# in any other case determined by Supreme Decree pursuant to specialization, qualification or experience criteria.

Sector:	Professional Services
Sub-Sector:	Legal services
Industry Classification:	CPC 8613 CPC 8619
Type of Reservation:	National Treatment (Articles 803, 903)
Measures:	Decreto Ley N° 26002, Diario Oficial El Peruano del 27 de diciembre de 1992, Ley del Notariado. Artículo 5 (modificado por Ley N° 26741) y artículo 10 (modificado por Ley N° 27094)
Description:	Investment and Cross-Border Trade in Services Only a Peruvian national by birth may supply notary services.

Sector:	Professional Services
Sub-Sector:	Architectural Services
Industry Classification:	CPC 8671 CPC 8674
Type of Reservation:	National Treatment (Articles 803, 903)
Measures:	Ley Nº 14085, Diario Oficial "El Peruano" de 30 de junio de 1962, Ley de Creación del Colegio de Arquitectos del Perú Ley Nº 16053, Diario Oficial "El Peruano" del 14 de febrero de 1966, Ley del Ejercicio Profesional, Autoriza a los Colegios de Arquitectos e Ingenieros del Perú para supervisar a los profesionales de Ingeniería y Arquitectura de la República, artículo 1 Acuerdo del Consejo de Arquitectos, del 6 de octubre de 1987
Description:	Investment and Cross-Border Trade in Services To practice as an architect in Peru, an individual must join the "Colegio de Arquitectos" and pay a fee in accordance with the following schedule: (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:	Professional Services
Sub-Sector:	Auditing Services
Industry Classification:	CPC 862
Type of Reservation:	National Treatment (Articles 803, 903) Local Presence (Article 907)
Measures:	Reglamento Interno del Colegio de Contadores Públicos de Lima, artículos 145 y 146
Description:	Investment and Cross-Border Trade in Services Auditing societies shall be constituted only and exclusively by public accountants licensed and resident in the country and duly qualified by the “Colegio de Contadores Publicos de Lima”. No partner may be a member of another auditory society in Peru.

Sector:	Security Services
Sub-Sector:	
Industry Classification:	CPC 873
Type of Reservation:	National Treatment (Article 903) Senior Management and Boards of Directors (Article 806)
Measures:	Decreto Supremo N° 005-94-IN, Diario Oficial "El Peruano" del 12 de mayo de 1994, Reglamento de Servicios de Seguridad Privada, artículos 81 y 83
Description:	Investment and Cross-Border Trade in Services Persons hired as security guards must be Peruvian by birth. Senior managers of enterprises that supply security services must be Peruvian by birth and residents of Peru.

Sector:	Recreational, cultural and sporting services
Sub-Sector:	National artistic production services
Industry Classification:	CPC 96
Type of Reservation:	National Treatment (Article 903)
Measures:	Ley N° 28131, Diario Oficial “El Peruano” del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículos 23 y 25
Description:	Cross-Border Trade in Services Any domestic artistic 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.

Sector:	Recreational, cultural and sporting services
Sub-Sector:	Circus services
Industry Classification:	CPC 96194
Type of Reservation:	National Treatment (Article 903)
Measures:	Ley No. 28131, Diario Oficial “El Peruano” del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículo 26
Description:	Cross-Border Trade in Services A foreign circus may stay in Peru with its original cast for a maximum of 90 days. This period may be extended for the same period of time. If it is extended, the foreign circus will include a minimum of 30 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.

Sector:	Commercial Advertising Services
Sub-Sector:	
Industry Classification:	
Type of Reservation:	National Treatment (Article 903)
Measures:	Ley No. 28131, Diario Oficial “El Peruano” del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículos 25 y 27.2
Description:	Cross-Border Trade in Services Commercial advertising produced in Peru, must have at least 80 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.

Sector:	Recreational, cultural and sporting services
Sub-Sector:	Bullfighting
Industry Classification:	
Type of Reservation:	National Treatment (Article 903)
Measures:	Ley N° 28131, Diario Oficial “El Peruano” del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículo 28
Description:	Cross-Border Trade in Services At least one bullfighter of Peruvian nationality must participate in any bullfighting event. At least one apprentice bullfighter of Peruvian nationality must participate in fights involving young bulls.

Sector:	Customs Warehouses Services
Sub-Sector:	
Industry Classification:	
Type of Reservation:	Local Presence (Article 907)
Measures:	Decreto Supremo Nº 08-95-EF, Diario Oficial “El Peruano” del 5 de febrero de 1995, Aprueban el Reglamento de Almacenes Aduaneros, artículo 7
Description:	Cross-Border Trade in Services Only natural or juridical persons domiciled in Peru may apply for an authorization to operate a customs warehouse.

Sector:	Telecommunications
Sub-Sector:	
Industry Classification:	
Type of Reservation:	National Treatment (Article 903)
Measures:	Decreto Supremo N° 027-2004-MTC, Diario Oficial “El Peruano” de 15 de julio de 2004, Texto Único Ordenado del Reglamento General de la Ley de Telecomunicaciones, artículo 269
Description:	Cross-Border Trade in Services Call-back, understood as being the offer of telephone services for the realization of attempts to make calls originating in the country with the objective of obtaining a return call with an invitation to dial, coming from a basic telecommunications network located outside the national territory, is prohibited.

Sector: Transport

Sub-Sector: Air Transport

Industry Classification:

Type of Reservation: National Treatment (Article 803)
Senior Management and Boards of Directors (Article 806)

Measures: Ley N° 27261, Diario Oficial "El Peruano" del 10 de mayo de 2000, Ley de Aeronáutica Civil, artículos 75 y 79

Decreto Supremo N° 050-2001-MTC, Diario Oficial "El Peruano" del 26 de diciembre de 2001, Reglamento de la Ley de Aeronáutica Civil, artículos 147, 159, 160 y VI Disposición Complementaria

Description: Investment

National Commercial Aviation is reserved to a Peruvian natural or juridical person.

For purposes of this entry, a Peruvian juridical person is an enterprise that fulfils the following requirements:

(a) is constituted under Peruvian law, specifies commercial aviation as its corporate purpose, is domiciled in Peru, and has its principal activities and administration located in Peru;

(b) at least half plus one of the directors, managers and persons who control and manage the enterprise are Peruvian nationals or have permanent domicile or are normally resident in Peru; and

(c) at least 51 per cent of the capital stock must be owned by Peruvian nationals and be under the real and effective control of Peruvian shareholders or partners permanently domiciled in Peru. (This limitation shall not apply to the enterprises constituted under Law Nº 24882, which may maintain the ownership percentages set in such law). Six months after the date of authorization of the enterprise to provide commercial air transportation services, foreign nationals may own up to 70 per cent of the capital stock of the enterprise.

In those operations conducted by Peruvian service providers (“explotadores nacionales”), personnel performing aeronautical functions on board must be Peruvian nationals. The Directorate General of Civil Aviation may, for technical reasons, authorize foreign personnel to perform these functions for a period not to exceed six months from the date on which the authorization was granted. This time period may be extended if there is proof of a shortage of trained personnel.

The General Directorate of Civil Aviation, upon providing proof of a shortage of Peruvian aviation personnel, may authorize non-resident foreign personnel to pilot airplanes and to train Peruvian aviation personnel for a period of up to six months, which may be extended if there is proof of a shortage of Peruvian personnel.

Sector:	Transport
Sub-Sector:	Aquatic Transport
Industry Classification:	CPC 72
Type of Reservation:	National Treatment (Articles 803, 903) Local Presence (Article 907) Senior Management and Boards of Directors (Article 806)
Measures:	Ley Nº 28583, Ley de Reactivación y Promoción de la Marina Mercante Nacional, Diario Oficial "EL Peruano" del 22 de julio de 2005, artículos 4.1, 6.1, 7.1, 7.2. 7.4, 13.6 Decreto Supremo Nº 028 DE/MGP, Diario Oficial "El Peruano" del 25 de mayo de 2001, Reglamento de la Ley Nº 26620, artículo I-010106, literal a)
Description:	Investment and Cross-Border Trade in Services 1. A "National shipowner" or "National Ship Enterprise" is understood as a natural person of Peruvian nationality or juridical person constituted in Peru, with its principal domicile and real and effective headquarters in Peru, whose business is to provide services in water transportation in national traffic or cabotage[2] and/or international traffic and who is the owner or lessee under a financial lease or a bareboat charter, with an obligatory purchase option, of at least one Peruvian flag merchant vessel and that has obtained the relevant Operation Permit from the General Aquatic Transport Directorate. 2. At least 51 per cent of the subscribed and paid-in capital stock must be owned by Peruvian citizens.

[2] For greater certainty, water transportation includes transport by lakes and rivers.

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

4. Peruvian-flagged vessels must have a Peruvian captain and the crew must have at least 80 per cent of Peruvian nationals authorized by the “Dirección General de Capitanías y Guardacostas”. In exceptional cases and after ascertaining that there is no Peruvian qualified captain with experience in that type of vessel available, a foreign national may be authorized to serve as captain.

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

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

(a) up to 25 per cent of the transport of hydrocarbons in national waters is reserved for the ships of the Peruvian Navy; and

(b) foreign-flagged vessels may be operated exclusively by National Shipowners or National Ship Enterprises for a period of no more than six months for water transportation exclusively between Peruvian ports or cabotage when such an entity does not own its own vessels or lease vessels under the modalities previously mentioned.

Sector:	Transport
Sub-Sector:	Aquatic Transport
Industry Classification:	CPC 72
Type of Reservation:	National Treatment (Articles 803, 903) Local Presence (Article 907)
Measures:	Decreto Supremo Nº 056-2000-MTC, Diario Oficial "El Peruano" del 31 de diciembre de 2000. Disponen que servicios de transporte marítimo y conexos realizados en bahías y áreas portuarias deberán ser prestados por personas naturales y jurídicas autorizadas, con embarcaciones y artefactos de bandera nacional, artículo 1 Resolución Ministerial Nº 259-2003-MTC/02, Diario Oficial "El Peruano" del 4 de abril de 2003. Aprueban Reglamento de los servicios de Transporte Acuático y Conexos Prestados en Tráfico de Bahía y Áreas Portuarias, artículos 5 y 7
Description:	Investment and Cross-Border Trade in Services The following water transport and related services supplied in bay and port areas must be supplied by natural persons domiciled in Peru, and juridical persons constituted and domiciled in Peru, properly authorized with Peruvian flag vessels and equipment: •# Fuel replenishment services; •# Mooring and unmooring services; •# Diving services; •# Victualing services; •# Dredging services; •# Harbor pilotage services; •# Waste collection services; •# Tug boat services; and •# Transport of persons.

Sector:	Transport
Sub-Sector:	Aquatic Transport
Industry Classification:	CPC 72
Type of Reservation:	Local Presence (Article 907)
Measures:	Resolución Suprema Nº 011-78-TC-DS, del 6 de febrero de 1978, Reglamento de Empresas de Transporte Turístico
Description:	Cross-Border Trade in Services Only natural persons domiciled in Peru or juridical persons constituted and domiciled in Peru may provide tourist water transportation services.

Sector:	Transport
Sub-Sector:	Aquatic Transport
Industry Classification:	CPC 72
Type of Reservation:	National Treatment (Article 903)
Measures:	Ley Nº 27866, Diario Oficial “El Peruano” del 16 de noviembre de 2002, Ley del Trabajo Portuario, artículos 3 y 7
Description:	Cross-Border Trade in Services Only Peruvian citizens may register in the Registry of Port Workers.

Sector	Transport
Sub-Sector:	Land Transport of Passengers
Industry Classification:	CPC 71
Type of Reservation:	Local Presence (Article 907)
Measures:	Decreto Supremo N° 009-2004-MTC, Diario Oficial “El Peruano” del 27 de febrero de 2004, Reglamento Nacional de Administración de Transportes, artículos 47 y 48
Description:	Cross-Border Trade in Services A supplier of land transport services in Peru must certify in writing that it maintains ground terminals, route stations, stops, and administrative offices in the territory of Peru, according to the corresponding transport services. The transport enterprise must have its own installations, or those of third parties, properly maintained for the management of the enterprise, which will constitute its legal domicile, where the competent authority can conduct the inspections and verifications it deems necessary.

Sector	Transport
Sub-Sector:	Land transport
Industry Classification:	CPC 71
Type of Reservation:	National Treatment (Article 903)
Measures:	The “Acuerdo sobre Transporte Internacional Terrestre”, signed between the Governments of the Republic of Chile, the Republic of Argentina, la República de Bolivia, la República Federativa de Brasil, la República del Paraguay, la República del Perú y la República Oriental del Uruguay - ATIT, signed in Montevideo January 1, 1990
Description:	Cross-Border Trade in Services Foreign vehicles allowed by Peru, in conformity with the ATIT, which carry out international transportation by road, will not be able to provide local transport (cabotage) in the Peruvian territory.

Sector	Research and Development Services
Sub-Sector:	Archaeological Services
Industry Classification:	CPC 852 CPC 853
Type of Reservation:	National Treatment (Article 903)
Measures:	Resolución Suprema No. 004-2000-ED, Diario Oficial "El Peruano" del 25 de Enero de 2000, Reglamento de Investigaciones Arqueológicas, artículo 30
Description:	Cross-Border Trade in Services Archaeological research projects headed by foreign archaeologists must count on a Peruvian archaeologist registered in the National Registry of Archaeologists for the scientific co-direction or sub-direction of the project. The co-director and sub-director shall participate in the integral execution of the project (field and office work).

Sector:	Services Related to Energy Services
Sub-Sector:	
Industry Classification:	
Type of Reservation:	National Treatment (Article 903) Local Presence (Article 907)
Measures:	Ley Nº 26221, Diario Oficial "El Peruano" del 19 de agosto de 1993, Ley General de Hidrocarburos, artículo 15
Description:	Cross-Border Trade in Services In order to enter into an exploration contract in Peru, foreign natural persons must register in the Public Registry and provide a power of attorney to a Peruvian national resident in the capital of the Republic of Peru. Foreign enterprises must establish a branch or constitute a society under the *Ley General de Sociedades*, be domiciled in the capital of the Republic of Peru, and appoint a Peruvian national as an executive agent.