

**Subject to Legal Review for Accuracy, Clarity, and Consistency**  
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**Draft 6 January 2005**

**Annex II**  
**Schedule of Peru**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	Most Favored Nation Treatment (Articles 10.4, 11.3)
<b>Description</b>	<u>Investment and Cross-Border Trade in Services</u>

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

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

- a) aviation;
- b) fisheries; or
- c) maritime matters<sup>1</sup>, including salvage.

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<sup>1</sup> For greater certainty, maritime matters include transport by lakes and rivers.



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**Sector** Fishing

**Obligations Concerned** National Treatment (Article 10.3)  
Most Favored Nation Treatment (Article 10.4)  
Performance Requirements (Article 10.9)

**Description** Investment

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

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**Sector:** Cultural Industries

**Obligations Concerned:** Most-Favored-Nation Treatment (Articles 10.4 and 11.3)

**Description:** Cross-Border Services and Investment

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

- (a) Publication, distribution, or sale of books, magazines, periodical publications, or printed or electronic newspapers, excluding the printing and typesetting of any of the foregoing;
- (b) Production, distribution, sale, or display of recordings of movies or videos;
- (c) Production, distribution, sale, or display of music recordings in audio or video format;
- (d) Production and presentation of theater arts<sup>2</sup>;
- (e) Production and exhibition of visual arts;
- (f) Production, distribution, or sale of printed music scores or scores readable by machines;
- (g) Design, production, distribution and sale of handicrafts; or
- (h) Radiobroadcasts aimed at the public in general, as well as all radio, television, and cable television-related activities, satellite programming services, and broadcasting networks.

Peru reserves the right to adopt or maintain any measure giving preferential treatment to persons of other countries pursuant to any existing or future bilateral or multilateral international agreement between Peru and any such country containing specific commitments regarding cultural cooperation or co-production by cultural industries, including audio-visual cooperation agreements.

For greater certainty, Articles 10.3, 10.4 and Chapter Eleven do not apply to government support<sup>3</sup> for the promotion of cultural industries.

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<sup>2</sup> Theater arts means live performances or presentations such as drama, dance or music.

<sup>3</sup> For purposes of this annex, “government support” means tax incentives or contributions, grants, government supported loans, guarantees, or trusts, or insurance provided by a government, irrespective of whether a private entity is wholly or partially responsible for its management. However, a measure is not covered by this entry to the extent that it is inconsistent with the commitments provided by Article 22.3 (General Exceptions).

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**Sector:** Handicraft Industries

**Obligations Concerned:** National Treatment (Article 11.2)  
Performance Requirements (Article 10.9)

**Description:** Cross-Border Services and Investment

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

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

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**Sector:** Audio-Visual Industry

**Obligations Concerned:** National Treatment (Article 11.2)  
Performance Requirements (Article 10.9)

**Description:** Cross-Border Services and Investment

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

For greater certainty, this entry does not apply to advertising.

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**Sectors:** Jewelry Design  
Theater arts  
Visual arts  
Music  
Publishing

**Obligations Concerned:** National Treatment (Article 11.2)  
Performance Requirements (Article 10.9)

**Description:** Cross-Border Services and Investment

Peru reserves the right to adopt or maintain any measure conditioning the receipt or continued receipt of government support<sup>4</sup> 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.

For greater certainty, this entry does not apply to advertising.

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<sup>4</sup> For purposes of this annex, “government support” means tax incentives or contributions, grants, government supported loans, guarantees, or trusts, or insurance provided by a government, irrespective of whether a private entity is wholly or partially responsible for its management. However, a measure is not covered by this entry to the extent that it is inconsistent with the commitments provided by Article 22.3 (General Exceptions).

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**Sector:** Audio-visual industry  
Publishing  
Music

**Obligations Concerned:** National Treatment (Articles 10.3 and 11.2)  
Most-Favored-Nation Treatment (Articles 10.4 and 11.3)

**Description:** Cross-Border Services and Investment

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



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**Sector:** Public Supply of Potable Water

**Obligations Concerned:** Market Access (11.4)  
Local Presence (11.5)

**Description:** Cross- Border Services

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

For greater certainty, nothing in this reservation shall affect the ability of a foreign enterprise to supply bottled water.

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**Sector:** Public Sewage Services

**Obligations Concerned:** Market Access (11.5)  
Local Presence (11.4)

**Description:** Cross- Border Services

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