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Subject to Legal Review for Accuracy, Clarity, and Consistency
March 31, 2004

ANNEX II
SCHEDULE OF MOROCCO

Sector: Private Education

Obligations Concerned: National Treatment (Article 11.2)
Local Presence (Article 11.5)

Description: Cross-Border Services

Morocco reserves the right to adopt or maintain any measure whatever pertaining to natural persons who provide private preschool, kindergarten, primary, and secondary educational services, including teachers and auxiliary personnel providing educational services in such areas.

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Sector: Social Services

Obligations Concerned: National Treatment (Article 11.2)
Most-Favored-Nation Treatment (Article 11.3)
Local Presence (Article 11.5)
Market Access (Article 11.4)

Description: Cross-Border Services

Morocco 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 they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, and child care.

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Sector: Health Care – Paramedical Professions: Physical Therapist, Speech Therapist, Orthopedist, Psychomotor Therapist, and Orthodontist

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

Description: Cross-Border Services and Investment

Morocco reserves the right to adopt measures relating to practitioners in the fields of physical therapy, speech therapy, orthopedics, psychomotor therapy, and orthodontics.

The scope of the reservation with regard to the most-favored-nation treatment obligation identified above is limited to measures that permit a non-Moroccan national to practice any of these professions in Morocco only if such person is a national of a State that has entered into an agreement with Morocco authorizing nationals of each State to practice that profession in the territory of the other State.

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Sector: Culture-Related Industries and Services

Obligations Concerned: Most-Favored-Nation Treatment (Article 11.3)

Description: Cross-Border Services

Morocco reserves the right to adopt or maintain any measure that accords differential treatment to countries under any existing or future bilateral or multilateral international agreement with respect to cultural activities. Morocco provides subsidies in support of cultural activities. For greater certainty, these subsidies are not subject to the Agreement.

For purposes of this non-conforming measure, “cultural activities” 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, and display of film and video recordings;
- (c) Production, distribution, sale, and display of music recordings in audio or video format;
- (d) Production, distribution, and sale of printed or machine-readable music scores; or
- (e) Radiobroadcasts aimed at the public in general, as well as all radio, television, and cable television-related activities, satellite programming services, and broadcasting network services.

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Sector: Communications – Polling Services

Obligations Concerned: Market Access (Article 11.4)

Description: Cross-Border Services

Morocco reserves the right to adopt or maintain any measure relating to the supply of polling services.

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Sector: Communications – Radio and Television Broadcasting
Services and Cable Radio and Television Services

Obligations Concerned: National Treatment (Article 10.3)
Performance Requirements (Article 10.8)
Senior Management and Boards of Directors (Article 10.9)
Market Access (Article 11.4)

Description: Cross-Border Services and Investment

Morocco reserves the right to adopt or maintain any measure pertaining to investment in facilities for the transmission of radio and television broadcasting and cable radio and television.

Existing Measures: Royal Decree (*Dahir*) No. 1-03-22 of March 24, 2003
enacting Law No. 62-02

Royal Decree (*Dahir*) No. 1-02-0212 of August 31, 2002

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Sector: Communications – Distribution Services by Cable Service Operators and Satellite Service Suppliers

Obligations Concerned: Local Presence (Article 11.5)

Description: Cross-Border Services

Morocco reserves the right to adopt or maintain any measure requiring cable service operators, or satellite service suppliers, that provide encryption-based subscription services (for fee or non-fee) to consumers in Morocco, to have a local representative.

For greater certainty, in this particular case, this non-conforming measure applies only to cable service operators and satellite service suppliers that distribute programming to viewers and does not apply to enterprises that produce such programming.

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Sector: Environmental Services – Hazardous Waste

Obligations Concerned: Local Presence (Article 11.5)

Description: Cross-Border Services

Morocco reserves the right to adopt or maintain any measure whatever relating to the handling of hazardous waste, including the collection, treatment, and elimination of the hazardous waste. Hazardous waste includes biomedical byproducts.

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Sector: All Sectors

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

Description: Cross-Border Services and Investment

Morocco 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.

Morocco reserves the right to adopt or maintain any measure relating to the cross-border supply of services 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;
- (c) maritime matters, including salvage; or
- (d) primary and secondary education.

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Sector: Various Sectors

Obligations Concerned: Market Access (Article 11.4)

Description: Cross-Border Services

1. During a two-year transition period beginning on the date of entry into force of the Agreement, Morocco reserves the right to adopt or maintain any measure relating to the cross-border supply of services in the sectors identified below, provided that any such measure is consistent with Morocco's obligations under the WTO General Agreement on Trade in Services:

- (a) real estate services relating to owned or leased property;
- (b) fixed-rate or contracted real estate services;
- (c) boat rental or leasing services;
- (d) market research and survey services;
- (e) services relating to agriculture, hunting, and forestry;
- (f) employment and temporary personnel services;
- (g) investigative and security services;
- (h) building cleaning services; and
- (i) conferencing services.

2. During the transition period, on the request of either Party, the Parties shall consult to consider whether, after termination of the transition period:

- (a) a measure relating to the cross-border supply of services in the sectors identified above should be listed as a non-conforming measure in Annex I;

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- (b) a sector identified above should be listed in Annex II; or
- (c) a sector identified above should be deleted from Annex II.

3. The Parties shall endeavor to conclude consultations under paragraph 2 within 60 days of receipt of a request by one Party from the other Party. In consultations under paragraph 2(a) or 2(b), Morocco shall provide to the United States information on:

- (a) measures adopted relating to the sector at issue since the beginning of the transition period; and
- (b) a description of such measures that Morocco would propose to be included in Annex I or Annex II.

4. If, as a result of consultations under paragraph 2, the Parties agree that Annex I or Annex II should be modified, then on approval by the Parties in accordance with Article 22.2 (Amendments), such Annex shall be modified.

5. Except as otherwise provided in paragraphs 2 through 4, Morocco's reservation with respect to the sectors identified above shall terminate upon termination of the transition period.