

ANNEX I

Schedule of Guatemala

Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	<i>Decreto No. 118-96</i> that amends <i>Decretos No. 38-71 y 48-72</i> , Arts. 1 and 2
Description:	<p><u>Investment</u></p> <p>Only the following persons may be granted title to, rent, or use state-owned lands in the Department of El Petén:</p> <ol style="list-style-type: none">(1) Guatemalan nationals who do not own rural real estate anywhere in the country that exceeds 45 hectares; and(2) Guatemalan nationals who do not own industrial, mining or commercial enterprises. <p>Enterprises owned 100 percent by Guatemalan nationals that meet the requirements set out in the preceding paragraph may be granted title to, rent, or use state-owned lands in the Department of El Petén.</p>

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Sector: All Sectors

Obligations Concerned: National Treatment (Article 10.3)

Level of Government: Central

Measures: *Ley de Titulación Supletoria, Decreto 49-79, Art. 2*

Description: Investment

Only Guatemalan nationals and enterprises that are majority owned by Guatemalan nationals may take adverse possession of real estate.

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Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	<i>Constitución Política de la República de Guatemala</i> , Art. 122 <i>Ley Reguladora de las Áreas de Reservas Territoriales del Estado de Guatemala</i> , Decreto 126-97, Art. 5
Description:	<p><u>Investment</u></p> <p>Foreign nationals require an authorization from the <i>Oficina de Control de Areas de Reserva del Estado</i> to acquire ownership of the following state-owned land:</p> <ul style="list-style-type: none">(a) real estate located in urban zones; and(b) real estate for which rights were registered in the General Property Registry before March 1, 1956 in the following locations:<ul style="list-style-type: none">(i) a 3-kilometer-long strip of land along the ocean;(ii) 200 meters around the lakeshores;(iii) 100 meters on either side of the navigable rivers; and(iv) 50 meters around any spring that serves as a source of water for the population. <p>Only the Government may rent state-owned land described above to enterprises organized under Guatemalan law.</p>

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Sector:	All Sectors
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Level of Government:	Central
Measures:	<i>Constitución Política de la República de Guatemala, Art. 123</i>
Description:	<u>Investment</u> Only Guatemalan nationals by birth and enterprises 100 percent owned by Guatemalan nationals may own or possess real property located within 15 kilometers of the borders. Foreign nationals may, however, own or possess urban real estate and real estate for which rights were registered in the General Property Registry before March 1, 1956 within the 15 kilometer area.

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Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	<i>Código de Comercio, Decreto 2-70</i> and its amendments, contained in <i>Decreto 62-95</i> , Art. 2
Description:	<u>Investment</u>

For an enterprise organized under foreign law to be established in Guatemala, in any form, it must allocate an assigned amount of capital for its operations in Guatemala, and execute a guarantee in favor of third parties in an amount not less than the equivalent in quetzales of US\$ 50,000, which must remain in effect for the duration of the enterprise's operations in Guatemala.

The exact amount of the guarantee shall be determined by the *Registro Mercantil*, based on, among other factors, the amount of the investment.

For greater certainty, the requirement of a bond is not to be construed to prevent an enterprise organized under the laws of a foreign country from establishing in Guatemala.

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Sector:	Forestry
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	<i>Constitución Política de la República de Guatemala, Art. 126</i>
Description:	<u>Investment</u> Only Guatemalan nationals or enterprises organized under Guatemalan law may exploit and renew forestry resources.

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Sector: Professional Services – Notaries

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

Level of Government: Central

Measures: *Código de Notariado, Decreto 314, Art. 2*

Description: Cross-Border Services

To practice as a notary public, an individual must be a Guatemalan national domiciled in Guatemala.

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Sector:	Professional Services
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	<i>Código de Comercio, Decreto 2-70, Art. 213</i>
Description:	<u>Investment</u>

An enterprise organized under the laws of a foreign country that supplies a professional service that requires a legally recognized university degree, certificate, or diploma may not be established in Guatemala.

However, such an enterprise may supply its services in Guatemala through a contract or other relationship with an enterprise established in Guatemala.

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Sector:	Performing Arts
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Ley de Espectáculos Públicos, Decreto 574, Arts. 36, 37 and 49</i> <i>Acuerdo Ministerial No. 592-99 del Ministerio de Cultura y Deportes, Art. 1</i>
Description:	<u>Cross-Border Services</u> Prior authorization from the <i>Dirección de Espectáculos</i> is required to contract with foreign groups, enterprises, or artists. In order for foreign artists or artist groups to perform in Guatemala, they must have a consent letter from any of the legally recognized non-governmental artist unions in the country. In mixed performances, made up of one or more films and variety shows, preference will be given to Guatemalan elements if the circumstances of the cast, schedule, and contract so allow.

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Sector:	Tour Guides
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Acuerdo No. 219-87 del Instituto Guatemalteco de Turismo - INGUAT- Funcionamiento de Guías de Turismo, Art. 6</i>
Description:	<u>Cross-Border Services</u> Only Guatemalan nationals or nationals of a foreign country that are residents in Guatemala may provide tour guide services in Guatemala.

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Sector:	Specialty Air Services
Obligations Concerned:	Most-Favored-Nation Treatment (Article 11.3)
Level of Government:	Central
Measures:	<i>Ley de Aviación Civil, Decreto del Congreso 93-2000, Art. 24</i>
Description:	<u>Cross-Border Services</u> In order to perform aeronautical duties on board foreign aircraft, individuals are required to have a certificate, license, or the equivalent, accepted by the <i>Dirección General de Aeronáutica Civil</i> , or issued pursuant to an international agreement to which Guatemala is a party, under conditions of reciprocity.

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Sector:	Specialty Air Services
Obligations Concerned:	National Treatment (Article 11.2)
Level of Government:	Central
Measures:	<i>Ley de Aviación Civil, Decreto 93-2000, Art. 62</i>
Description:	<u>Cross-Border Services</u>

In the operation of specialty air services by Guatemalan operators, all personnel performing aeronautical duties on board the aircraft must be Guatemalan nationals. However, the *Dirección General de Aeronáutica Civil* may authorize foreign nationals to perform such duties for a period not to exceed three months, counting from the date of authorization.

The *Dirección General de Aeronáutica Civil* may extend this period if it determines that there are no such trained personnel in Guatemala.

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Sector:	Air Transportation
Obligations Concerned:	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.10)
Level of Government:	Central
Measures:	<i>Ley de Aviación Civil, Decreto 93-2000, Art. 71</i>
Description:	<p><u>Investment</u></p> <p>Only Guatemalan nationals or enterprises organized under Guatemalan law may operate commercial air transportation services in Guatemala.</p> <p>For greater certainty, commercial air transportation services includes all domestic air transport, including of passengers, mail or cargo.</p> <p>In order to supply such services, an enterprise must also meet the following requirements:</p> <ul style="list-style-type: none">(a) the enterprise must have its principal place of business in Guatemala; and(b) at least one-half, plus 1, of the directors, managers and individuals who have responsibility for management and control of the enterprise must be Guatemalan nationals or be a permanent resident of Guatemala.