

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
ALL SECTORS INCLUDED IN THIS LIST	<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"> (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. (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. (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. <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 communities¹.</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 childcare².</p>

¹ 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.

² Idem, footnote 1.

Sector or Sub-Sector	Description of Reservations
	<p data-bbox="526 257 805 291">Hiring of foreign workers</p> <p data-bbox="526 291 1420 347">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="526 347 1420 436">– 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 data-bbox="526 436 1420 504">– the maximum period of time of the contract is three years, which may be subsequently extended for like periods of time; <li data-bbox="526 504 1420 537">– commitment to train national personnel in the same occupation; <li data-bbox="526 537 1420 593">– all employers in Peru, independently of their activity or nationality, shall give preferential treatment to nationals when hiring its employees; and <li data-bbox="526 593 1420 683">– 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. <p data-bbox="526 716 1133 750">These percentages will not apply in the following cases:</p> <ul style="list-style-type: none"> <li data-bbox="526 750 1420 806">– when the foreign national providing the service is the spouse, parent, child or sibling of a Peruvian national; <li data-bbox="526 806 1420 896">– when the personnel is working for a foreign enterprise providing international land, air and water transport services under a foreign flag and registration; <li data-bbox="526 896 1420 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 data-bbox="526 985 1420 1075">– 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 contract³; <li data-bbox="526 1075 1420 1131">– for artists, athletes or other service-providers engaged in public performances in Peruvian territory, for a maximum of three months a year; <li data-bbox="526 1131 1420 1164">– when a foreign national has an immigrant visa; <li data-bbox="526 1164 1420 1220">– for a foreign national whose country of origin has a labour reciprocity or dual nationality agreement with Peru; and <li data-bbox="526 1220 1420 1288">– when foreign personnel provides services in Peru under a bilateral or multilateral agreement concluded by the Peruvian Government.

³ 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"> – specialised professional or technical personnel; – directors or management personnel for new a business activity or reconverted business activity; – 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; – personnel working for public or private enterprises with contractual agreements with public organizations, institutions or enterprises; and – in any other case determined by Supreme Decree pursuant to specialization, qualification or experience criteria. <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>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>
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="159 286 502 347">A. MARITIME TRANSPORT SERVICES</p> <p data-bbox="159 376 502 560">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="159 589 502 683">B. INTERNAL WATERWAYS TRANSPORT (only international transport)</p> <ul style="list-style-type: none"> <li data-bbox="159 712 391 795">– Passenger transportation (CPC 7221) <li data-bbox="159 801 470 862">– Freight transportation (CPC 7222) <p data-bbox="159 869 502 952">Except cabotage (as defined in paragraph 1 of Note 1 of this Section)</p>	<ul style="list-style-type: none"> <li data-bbox="526 286 1428 347">– 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 data-bbox="526 353 1428 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 data-bbox="526 566 1212 593">– Only a Peruvian national may be a licensed harbor pilot.
F. ROAD TRANSPORT SERVICES	
<p data-bbox="159 1115 454 1176">a) Passenger transportation (CPC 7121+7122)</p> <p data-bbox="159 1205 422 1265">b) Freight transportation (CPC 7123)</p> <p data-bbox="159 1294 414 1355">Except road cabotage transport</p>	<p data-bbox="526 1115 1420 1176">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	
A. SERVICES AUXILIARY TO MARITIME TRANSPORT B. SERVICES AUXILIARY TO INTERNAL WATERWAYS TRANSPORT	<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	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.
D. SERVICES AUXILIARY TO ROAD TRANSPORT	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.
E. SERVICES AUXILIARY TO AIR TRANSPORT SERVICES	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.
ENERGY SERVICES SERVICES RELATED TO EXPLORATION AND PRODUCTION	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.