

## SECTION C

### PERU

1. The list of reservations below indicates the reservations of Peru pursuant to Articles 126 and 127 of this Agreement, for which limitations on contractual service suppliers and independent professionals 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.

Peru does not undertake any commitment for contractual service suppliers and independent professionals in economic activities which are not committed (remain unbound) pursuant to articles 126 and 127 of this Agreement.

2. In identifying individual sectors and sub-sectors, 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 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), even if not listed, apply in any case to contractual service suppliers and independent professionals 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
<p>ALL SECTORS INCLUDED IN THIS LIST</p>	<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 the purposes of this reservation: "ethnic groups" means indigenous, native and peasant communities<sup>1</sup>.</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 childcare<sup>2</sup>.</p> <p>Hiring of foreign workers All employers in Peru, independently of their activity or nationality, shall give preferential treatment to nationals when hiring its employees.</p> <p>Foreign natural persons who are service providers and who are employed in Peru may provide services in Peru under a written and time-limited employment contract, which may not exceed three 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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>– when the foreign national providing the service is the spouse, parent, child or sibling of a Peruvian national;</li> <li>– when the personnel is working for a foreign enterprise providing international land, air and water transport services under a foreign flag and registration;</li> <li>– when the foreign personnel works in a multinational bank or an enterprise that provides multinational services, subject to the laws governing specific cases;</li> <li>– 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 contract<sup>3</sup>;</li> </ul>

<sup>1</sup> 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.

<sup>2</sup> Idem, footnote 1.

<sup>3</sup> 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
	<ul style="list-style-type: none"> <li>– for artists, athletes or other service-providers engaged in public performances in Peruvian territory, for a maximum of three months a year;</li> <li>– when a foreign national has an immigrant visa;</li> <li>– for a foreign national whose country of origin has a labour reciprocity or dual nationality agreement with Peru; and</li> <li>– when foreign personnel provides services in Peru under a bilateral or multilateral agreement concluded by the Peruvian Government.</li> </ul> <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: specialized professional or technical personnel;</p> <ul style="list-style-type: none"> <li>– directors or management personnel for new a business activity or reconverted business activity;</li> <li>– 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;</li> <li>– personnel working for public or private enterprises with contractual agreements with public organizations, institutions or enterprises; and</li> <li>– in any other case determined by Supreme Decree pursuant to specialization, qualification or experience criteria.</li> </ul> <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> <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 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
2) Accounting, auditing and book-keeping services	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.
4) Architectural services	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.
5) Urban planning and landscape architectural services	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.

## NOTE 1

### LIST OF INTERNATIONAL MARITIME TRANSPORT SERVICES

Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this List, a multimodal transport operator (as defined in paragraph 3 below) shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations.

"Reasonable and non-discriminatory terms and conditions" means, for the purpose of multimodal transport operations, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date.

## DEFINITIONS

1. In the case of Peru, "cabotage" or "commercial water transportation in national traffic" is performed between Peruvian ports, in accordance with the provisions of Article 2 of the Legislative Decree 683 of 2001.
  
2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of the other Party to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of supply. For greater certainty, this commitment does not grant rights to operate as maritime transport enterprise or national ship enterprise in Peru.

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;

- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerized information systems and electronic data interchange (subject to the provisions of the Section on Telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency; and
- (f) acting on behalf of the companies, organizing the call of the ship or taking over cargoes when required.

3. "Multimodal transport operators" means the person on whose behalf the bill of lading, multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
  
4. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organized independently of the stevedoring or terminal operator companies. The activities covered include the organization and supervision of:
  - (a) the loading/discharging of cargo to/from a ship;
  
  - (b) the lashing/unlashing of cargo;
  
  - (c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.
  
5. "Customs clearance services" (alternatively "customs house brokers services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

6. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
  7. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
    - (a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
    - (b) acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
  8. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.
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