

**ANNEX 11B : PERU CROSS-BORDER TRADE IN SERVICES AND INVESTMENT  
RESERVATIONS FOR EXISTING MEASURES AND LIBERALISATION COMMITMENTS**

HEADNOTE

1. Where appropriate, non-conforming measures are referenced to the Provisional Central Product Classification (“CPC”) as set out in the Provisional Central Product Classification (Statistical Papers Series M No.77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991) (“the UN CPC Code”) and on the basis of the Services Sectoral Classification List WTO document MTN.GNS/w/120.

2. This Annex sets out, pursuant to Article 10.14 (Non-Conforming Measures) of Chapter 10 (Investment) and Article 11.7 (Non-Conforming Measures) of Chapter 11 (Cross-Border Trade in Services), the reservations taken by a Party with respect to measures that do not conform to some or all of the obligations imposed by:

- (a) Article 10.3 (National Treatment) of Chapter 10 (Investment) or Article 11.3 (National Treatment) of Chapter 11 (Cross-Border Trade in Services);
- (b) Article 10.4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment) or Article 11.4 (Most-Favoured-Nation Treatment) of Chapter 11 (Cross-Border Trade in Services);
- (c) Article 11.5 (Market Access) of Chapter 11 (Cross-Border Trade in Services);
- (d) Article 11.6 (Local Presence) of Chapter 11 (Cross-Border Trade in Services);
- (e) Article 10.7 (Performance Requirements) of Chapter 10 (Investment); or
- (f) Article 10.13 (Senior Management and Board of Directors) of Chapter 10 (Investment).

3. All measures affecting Article 10.3 (National Treatment), Article 10.4 (Most-Favoured-Nation Treatment), Article 10.7 (Performance Requirements) and Article 10.13 (Senior Management and Board of Directors) of Chapter 10 (Investment), and Article 11.3 (National Treatment), Article 11.4 (Most-Favoured-Nation Treatment), Article 11.5 (Market Access) and Article 11.6 (Local Presence) of Chapter 11 (Cross-Border Trade in Services), shall be stated in the description. In the interpretation of a reservation, all elements of the reservations shall be considered in their totality.

4. The reservations and commitments related to cross-border trade in services shall be read together with the relevant guidelines, stated in GATT documents MTN.GNS/W/164 dated 3 September 1993 and MTN.GNS/W/164 Add.1 dated 30 November 1993.

5. Each entry in a Party's Schedule sets out the following elements:
- (a) **Sector** refers to the sector in which the entry is made;
  - (b) **Industry Classification** refers, where applicable, to the activity covered by the non-conforming measure, according to the CPC codes as used in the UN CPC Code;
  - (c) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 2;
  - (d) **Measures** identify laws, regulations, rules, procedures, requirements, practices or any other form for which the reservation is made. A measure cited in the Measures element:
    - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and
    - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
  - (e) **Description** sets out the non-conforming measure to which the reservation applies.
6. For Peru, where an inconsistency arises in relation to the interpretation of a reservation, the measures element of the reservation shall prevail to the extent of the inconsistency.

**1. Sector:** All Sectors

**Obligations Concerned:** National Treatment (Article 10.3)

**Level of Government:** Central

**Measures:** Constitución Política del Perú (1993), artículo 71

Decreto Legislativo N° 757, Diario Oficial “El Peruano” del 13 de noviembre de 1991, Ley Marco para el Crecimiento de la Inversión Privada, artículo 13

**Description:** Investment

No foreign national or entity organized or owned in whole or part, directly or indirectly, by foreign nationals may own, directly or indirectly, by any means, a mine, land, forest, water, fuel, or energy sources located within fifty (50) kilometres of the Peruvian border, under penalty of forfeiture of that right to the Peruvian state. Exceptions may be made by a Supreme Decree approved by the Council of Ministers in conformity with law in cases of expressly declared public necessity.

For each case of acquisition or possession within the referred area, the investor shall hand in the correspondent request to the relevant Ministry, pursuant to the rules in force. For example, authorizations of this kind have been given in the mining sector.

**2. Sector:** Fishing and Services related to Fishing

**Obligations Concerned:** National Treatment (Article 11.3)

**Level of Government:** Central

**Measures:** Decreto Supremo N° 012-2001-PE, Diario Oficial "El Peruano" del 14 de marzo de 2001, Reglamento de la Ley General de Pesca, artículos 67, 68, 69 y 70.

**Description:** Cross-Border Trade in Services

Before commencing operations, the owner of a foreign-flagged fishing vessel must present an unconditional, irrevocable, stand-by letter of credit of solid character and automatic execution to the benefit and satisfaction of the Ministry of Production, with an effect no more than thirty (30) calendar days after the conclusion of the fishing permit, issued by a financial, banking or insurance institution recognized by the "Superintendencia de Banca y Seguros". Such letter shall be issued in an amount equal to twenty-five (25) percent of the amount that must be paid for fishing rights.

Foreign-flagged fishing vessels, which are not of big scale (according to the regulation above) and operate in Peruvian waters must contain a Satellite Tracking System, except for ship owners in highly migratory fisheries that are excepted from this obligation by a Ministerial Resolution.

Foreign-flagged fishing vessels with a fishing permit must have on board a scientific technical observer designated by the Sea Institute of Peru (IMARPE). The owner must provide accommodation on board for that representative and a daily stipend, to be deposited in a special account to be administered by IMARPE.

The owners of foreign-flagged fishing vessels that operate in Peruvian jurisdictional waters must hire a minimum of thirty per cent (30%) of Peruvian crew, subject to applicable national legislation.

**3. Sector:** Radio and Television Broadcasting Services

**Obligations Concerned:** National Treatment (Article 10.3)  
Local Presence (Article 11.6)

**Level of Government:** Central

**Measures:** Ley N° 28278, Diario Oficial “El Peruano” del 16 de julio de 2004,  
Ley de Radio y Televisión, artículo 24.

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

Only Peruvian nationals or juridical persons organized under Peruvian law and domiciled in Peru may be authorized or licensed to offer radio or television broadcast services.

The capital participation of foreigners in such juridical persons may not be more than forty (40) percent of the total shares or equity interest and they must be owners, share-holders, or hold an equity interest in a radio or television broadcast enterprise in their country of origin.

No foreign national may hold an authorization or a license directly or through a sole proprietorship.

**4. Sector:** Audio-Visual Services

**Obligations Concerned:** National Treatment (Article 11.3)  
Performance Requirements (Article 10.7)

**Level of Government:** Central

**Measures:** Ley N° 28278, Diario Oficial “El Peruano” del 16 de julio de 2004, Ley de Radio y Televisión, Octava Disposición Complementaria y Final.

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

At least thirty percent (30%), on average, of the total weekly programs by free-to-air television broadcasters must be produced in Peru and broadcasted between the hours of 5:00 and 24:00.

<b>5. Sector:</b>	Radio-Broadcasting Services
<b>Obligations Concerned:</b>	National Treatment (Article 10.3, Article 11.3) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decreto Supremo N° 005-2005-MTC, Diario Oficial “El Peruano” del 15 de febrero de 2005, Reglamento de la Ley de Radio y Televisión, artículo 20.
<b>Description:</b>	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>If a foreign national is, directly or indirectly, a shareholder, partner, or associate in a juridical person, that juridical person may not hold a broadcasting authorization in a zone bordering that foreign national’s country of origin, except in a case of public necessity authorized by the Council of Ministers.</p> <p>This restriction does not apply to juridical persons with foreign equity which have two or more current authorizations, as long as they are of the same frequency band.</p>

<b>6. Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	National Treatment (Article 11.3) Market Access (Article 11.5) Senior Management and Boards of Directors (Article 10.13)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decreto Legislativo N° 689, Diario Oficial “El Peruano” del 05 de noviembre de 1991, Ley para la Contratación de Trabajadores Extranjeros, artículos 1, 3, 4, 5 (modificado por Ley N° 26196) y 6.
<b>Description:</b>	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>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 by service-provider companies may provide said services in Peru upon execution of a written employment agreement for a set period of time not to exceed three (3) years, which may be subsequently extended for like periods of time. Service-providing companies 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 twenty percent (20%) of the total number of employees of an enterprise, and their pay may not exceed thirty percent (30%) 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 nationals providing services are the spouse, parent, child, or sibling of a Peruvian national;</li> <li>• Foreign employees working for foreign companies providing international land, air and water transport under a foreign flag and registration;</li> <li>• Foreign employees of multinational service companies or banks, subject to the laws governing specific cases;</li> </ul>



- Foreign investors, whenever their investment permanently maintains in Peru at least five (5) tributary tax units during the life of their contract<sup>11B-1</sup>;
- Artists, athletes or other service-providers engaged in public performances in Peruvian territory, for a maximum of three (3) months a year;
- Foreign nationals with immigrant visa;
- Foreign nationals whose countries have labour reciprocity or double nationality agreements with Peru; or
- Foreign personnel providing services in the country on behalf of bilateral or multilateral agreements celebrated by the Peruvian Government.

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;
- Directors or management personnel for new or converted business activities;
- Teachers hired for post secondary education, or for foreign private elementary and high schools; or for foreign language teaching in local private schools; or for specialized language centres;
- Personnel working for public or private companies with contractual agreements with Public institutions; or
- In any other case determined by Supreme Decree pursuant to specialization, qualification or experience criteria.

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<sup>11B-1</sup> The Tributary Tax Unit (UIT) is an amount of reference that is used in the tributary norms in order to maintain in constant values the taxes basis, deductions, affectation limits and other aspects of the tributes that the legislator considers convenient.

<b>7. Sector:</b>	Professional Services: Legal Services
<b>Obligations Concerned:</b>	National Treatment (Article 10.3, Article 11.3)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decreto Ley N° 26002, Diario Oficial “El Peruano” del 27 de Diciembre de 1992, Ley del Notariado. artículos 5 (modificado por Ley N° 26741) y 10 (modificado por Ley N° 27094).
<b>Description:</b>	<u>Investment and Cross-Border Trade in Services</u> Only a Peruvian national by birth may supply notary services.

**8. Sector:** Professional Services: Architectural Services

**Obligations Concerned:** National Treatment (Article 10.3, Article 11.3)

**Level of Government:** Central

**Measures:** Ley N° 14085, Diario Oficial “El Peruano” del 30 de junio de 1962, Ley de Creación del Colegio de Arquitectos del Perú.

Ley N° 16053, Diario Oficial “El Peruano” del 14 de febrero de 1966, Ley del Ejercicio Profesional, Autoriza a los Colegios de Arquitectos e Ingenieros del Perú para supervisar a los profesionales de Ingeniería y Arquitectura de la República, artículo 1

Acuerdo del Consejo de Arquitectos, del 06 de octubre de 1987

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

To practice as an architect in Peru, an individual must join the appropriate “Colegio de Arquitectos” and pay a fee in accordance with the following schedule:

- (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.

<b>9. Sector</b>	Professional Services: Auditing Services
<b>Obligations Concerned:</b>	National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Reglamento Interno del Colegio de Contadores Públicos de Lima, artículos 145 y 146
<b>Description:</b>	<u>Investment and Cross-Border Trade in Services</u>  Auditing societies shall be constituted only and exclusively by public accountants licensed and resident in the country and duly qualified by the “Colegio de Contadores Públicos de Lima”. No partner may be a member of another auditory society in Peru.

<b>10. Sector:</b>	Security Services
<b>Obligations Concerned:</b>	National Treatment (Article 11.3) Senior Management and Boards of Directors (Article 10.13)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decreto Supremo N° 005-94-IN, Diario Oficial “El Peruano” del 12 de mayo de 1994, Reglamento de Servicios de Seguridad Privada, artículos 81 y 83.
<b>Description:</b>	<u>Investment and Cross-Border Trade in Services</u>  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.

**11. Sector:** Recreational, Cultural and Sporting Services: National Artistic Audio-Visual Production Services

**Obligations Concerned:** National Treatment (Article 11.3)

**Level of Government:** Central

**Measures:** Ley N° 28131, Diario Oficial “El Peruano” del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículos 23 y 25.

**Description:** Cross-Border Trade in Services

Any domestic artistic audiovisual production must be comprised at least of eighty percent (80%) of national artists.

Any domestic artistic live performances must be comprised at least of eighty percent (80%) of national artists.

National artists shall receive no less than sixty percent (60%) 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.

**12. Sector:** Recreational, Cultural and Sporting Services: Circus Services

**Obligations Concerned:** National Treatment (Article 11.3)

**Level of Government:** Central

**Measures:** Ley N° 28131, Diario Oficial “El Peruano” del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículo 26.

**Description:** Cross-Border Trade in Services

A foreign circus may stay in Peru with the original cast for a maximum of ninety (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 thirty percent (30%) Peruvian nationals as artists and fifteen percent (15%) Peruvian nationals as technicians. The same percentages shall apply to the payroll of salaries and wages.

**13. Sector:** Commercial Advertising Services

**Obligations Concerned:** National Treatment (Article 11.3)

**Level of Government:** Central

**Measures:** Ley N° 28131, Diario Oficial “El Peruano” del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículos 25 y 27.2

**Description:** Cross-Border Trade in Services

Commercial advertising produced in Peru must have at least eighty percent (80%) of national artists.

National artists shall receive no less than sixty percent (60%) 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.



<b>14. Sector:</b>	Recreational, Cultural and Sporting Services: Bullfighting
<b>Obligations Concerned:</b>	National Treatment (Article 11.3)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Ley N° 28131, Diario Oficial “El Peruano” del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículo 28.
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  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.

**15. Sector:** Radio-Broadcasting Services

**Obligations Concerned:** National Treatment (Article 11.3)  
Performance Requirements (Article 10.7)

**Level of Government:** Central

**Measures:** Ley N° 28131, Diario Oficial “El Peruano” del 18 de diciembre de 2003, Ley del Artista, Intérprete y Ejecutante, artículos 25 y 45.

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

Free over-the-air radio and television broadcast companies must dedicate at least ten percent (10%) of their daily programming to folklore and national music and to series or programs produced in Peru on the Peruvian history, literature, culture or current issues with artists hired in the following percentages:

- A minimum of eighty percent (80%) of national artists;
- National artists shall receive no less than sixty percent (60%) of the total payroll for wages and salaries paid to artists; and
- The same percentages established in the preceding paragraphs shall govern the work of technical personnel involved in artistic activities.

**16. Sector:** Customs Warehouses Services

**Obligations Concerned:** Local Presence (Article 11.6)

**Level of Government:** Central

**Measures:** Decreto Supremo N° 08-95-EF, Diario Oficial “El Peruano” del 5 de febrero de 1995, Aprueban el Reglamento de Almacenes Aduaneros, artículo 7.

**Description:** Cross-Border Trade in Services

Only natural or juridical persons domiciled in Peru may apply for an authorization to operate a customs warehouse.

<b>17. Sector:</b>	Telecommunications
<b>Obligations Concerned:</b>	National Treatment (Article 11.3)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decreto Supremo N° 027-2004-MTC, Diario Oficial “El Peruano” del 15 de julio de 2004, Texto Único Ordenado del Reglamento General de la Ley de Telecomunicaciones, artículo 269.
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Call-back, understood as being the offer of telephone services for the realization of attempts to make calls originating in the country with the objective of obtaining a return call with an invitation to dial, coming from a basic telecommunications network located outside the national territory, is prohibited.

<b>18. Sector:</b>	Transport Air Transport
<b>Obligations Concerned:</b>	National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6) Senior Management and Boards of Directors (Article 10.13)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Ley N° 27261, Diario Oficial “El Peruano” del 10 de mayo de 2000, Ley de Aeronáutica Civil, artículos 75 y 79.  Decreto Supremo N° 050-2001-MTC, Diario Oficial “El Peruano” del 26 de diciembre de 2001, Reglamento de la Ley de Aeronáutica Civil, artículos 147, 159, 160 y VI Disposición Complementaria.
<b>Description:</b>	<u>Investment and Cross-Border Trade in Services</u>  National Commercial Aviation is reserved to a Peruvian natural or juridical person.  For purposes of this entry, a Peruvian juridical person is an enterprise that fulfils the following requirements: <ul style="list-style-type: none"> <li>(a) is constituted under Peruvian law, specifies commercial aviation as its corporate purpose, is domiciled in Peru, and has its principal activities and administration located in Peru;</li> <li>(b) at least half plus one (1) of the directors, managers and persons who control or manage the enterprise are Peruvian nationals or have permanent domicile or are normally resident in Peru; and</li> <li>(c) at least fifty-one percent (51%) of the capital must be owned by Peruvian nationals and be under the real and effective control of Peruvian shareholders or partners permanently domiciled in Peru. (This limitation shall not apply to the enterprises constituted under law N° 24882, which may maintain the ownership percentages set in such law). Six (6) months after the date of authorization of the enterprise to provide commercial air transportation services, foreign nationals may own up to seventy percent (70%) of the capital of the enterprise.</li> </ul>

In those operations conducted by Peruvian service providers (“explotadores nacionales”), personnel performing aeronautical functions on board must be Peruvian nationals. The General Directorate of Civil Aviation may, for technical reasons, authorize foreign personnel to perform these functions for a period not to exceed six (6) months from the date on which the authorization was granted. This time period may be extended if there is proof of a shortage of trained personnel.

The General Directorate of Civil Aviation, upon providing proof of a shortage of qualified Peruvian aviation personnel, may authorize non-resident foreign personnel to pilot airplanes and train Peruvian aviation personnel for a period of up to six (6) months, which may be extended if there is proof of a shortage of Peruvian personnel.

<b>19. Sector</b>	Rental/Leasing Services Without Operators: Aircrafts Rental/Leasing Services
<b>Obligations Concerned:</b>	National Treatment (Article 10.3, Article 11.3)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Ley N° 28525, Diario Oficial “El Peruano” del 25 de mayo de 2005, Ley de Promoción de los Servicios de Transporte Aéreo, artículo 5.  Ley N° 27261, Diario Oficial “El Peruano” del 10 de mayo de 2000, Ley de Aeronáutica Civil, artículo 67 (modificado por el artículo 5 de la Ley N° 28525).
<b>Description:</b>	<u>Investment and Cross-Border Trade in Services</u>

The civil aviation operated under charter type has a complementary character. In the cases of operations operated by national service providers that render scheduled international air transportation service of passengers, cargo, and mail (mixed), using aircraft under the type of charter contracts with foreign enterprises, will be authorized under the following clauses:

- (1) When air services are being initiated on a new route, in that case will be authorized for a maximum of ninety (90) calendar days, which may be extended for an additional ninety (90) calendar days, subject to support of the air operator.
- (2) When there exists a legal restriction that impedes a Peruvian aircraft conducting its operations for itself in another country, the charter will be approved exclusively for the routes and for the period of the restriction.
- (3) When there exists a technical impediment of an aircraft that can imply a paralysation of scheduled operations. The period of authorization shall not exceed ninety (90) calendar days, which can be extended subject to a favourable report of the Air Security Department of the General Directorate of Civil Aviation.

By public necessity or national interest, national air transportation service providers can be authorized to execute air charter contracts with foreign enterprises for the rendering of services within national territory. This authorization will be granted by means of Supreme

Decree, proposed by the sector.



<b>20. Sector:</b>	Transport Aquatic Transport
<b>Obligations Concerned:</b>	National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6) Senior Management and Boards of Directors (Article 10.13)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Ley N° 28583, Ley de Reactivación y Promoción de la Marina Mercante Nacional, Diario Oficial “El Peruano” del 22 de julio de 2005. Artículos 4.1, 6.1, 7.1, 7.2, 7.4, y 13.6.  Decreto Supremo N° 028 DE/MGP, Diario Oficial “El Peruano” del 25 de mayo de 2001, Reglamento de la Ley N° 26620, Artículo I-010106, literal a).
<b>Description:</b>	<u>Investment and Cross-Border Trade in Services</u> <ol style="list-style-type: none"> <li>1. A “National Shipowner” or “National Ship Enterprise” means a natural person of Peruvian nationality or juridical person constituted in Peru, with its principal domicile and real and effective headquarters in Peru, whose business is to provide water transportation services for cabotage or international traffic and which is the owner or lessee under a financial lease or a bareboat charter, with an obligatory purchase option, of at least one Peruvian flag merchant ship and that has obtained the relevant Operation Permit from the General Aquatic Transport Directorate.</li> <li>2. At least fifty-one percent (51%) of the subscribed and paid-in capital must be owned by Peruvian citizens.</li> <li>3. The chairman of the board of directors, a majority of the directors, and the General Manager must be nationals and residents of Peru.</li> <li>4. Peruvian-flagged vessels must have a Peruvian captain and the crew must have at least eighty percent (80%) of Peruvian nationals authorized by the “Dirección General de Capitanías y Guardacostas”. In exceptional cases where no Peruvian qualified captain with experience in the respective ship is available, a foreign national may be</li> </ol>

authorized to serve as captain.

5. Only a Peruvian national may be a licensed harbour pilot.
6. Cabotage is exclusively reserved to Peruvian flagged vessels owned by a National Shipowner or National Ship Enterprise or leased under a financial lease or a bareboat charter, with an obligatory purchase option, except that:
  - (i) Twenty-five percent (25%) of the transport of hydrocarbons in national waters is reserved for the boats of the Peruvian Navy; and
  - (ii) Foreign-flagged vessels may be used by a National Shipowner or National Ship Enterprise for a period of no more than six (6) months for water transportation exclusively between Peruvian ports or cabotage when such an entity does not own its own vessels or lease vessels.

<b>21. Sector:</b>	Transport Aquatic Transport
<b>Obligations Concerned:</b>	National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decreto Supremo N° 056-2000-MTC, Diario Oficial “El Peruano” del 31 de diciembre de 2000, Disponen que servicios de transporte marítimo y conexos realizados en bahías y áreas portuarias deberán ser prestados por personas naturales y jurídicas autorizadas, con embarcaciones y artefactos de bandera nacional, artículo 1.  Resolución Ministerial N° 259-2003-MTC/02, Diario Oficial “El Peruano” del 4 de abril de 2003, Aprueban Reglamento de los Servicios de Transporte Acuático y Conexos Prestados en Tráfico de Bahía y Áreas Portuarias, artículos 5 y 7.
<b>Description:</b>	<u>Investment and Cross-Border Trade in Services</u>  The following water transport and related services supplied in bay and port areas must be supplied by natural persons domiciled in Peru, and juridical persons constituted and domiciled in Peru, properly authorized with Peruvian flag vessels and equipment:  (a) Fuel replenishment services; (b) Mooring and unmooring services; (c) Diving services; (d) Victualing services; (e) Dredging services; (f) Harbour pilotage services; (g) Waste collection services; (h) Tug boat services; and (i) Transport of persons.

<b>22. Sector:</b>	Transport Aquatic Transport
<b>Obligations Concerned:</b>	Local Presence (Article 11.6)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Resolución Suprema N° 011-78-TC-DS del 6 de febrero de 1978, Reglamento de Empresas de Transporte Turístico.
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Only natural persons domiciled in Peru or juridical persons constituted and domiciled in Peru may provide tourist water transportation services.

**23. Sector:** Transport  
Aquatic Transport

**Obligations Concerned:** National Treatment (Article 11.3)

**Level of Government:** Central

**Measures:** Ley N° 27866, Diario Oficial “El Peruano” del 16 de noviembre de 2002, Ley del Trabajo Portuario, artículos 3 y 7.

**Description:** Cross-Border Trade in Services

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.

<b>24. Sector</b>	Transport: Land Transport of Passengers
<b>Obligations Concerned:</b>	Local Presence (Article 11.6)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decreto Supremo N° 009-2004-MTC, Diario Oficial “El Peruano” del 27 de febrero de 2004, Reglamento Nacional de Administración de Transportes, artículos 47 y 48.
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>A supplier of land transport services in Peru must certify in writing that it maintains ground terminals, route stations, stops, and administrative offices in the territory of Peru, according to the corresponding transport services.</p> <p>The transport enterprise must have its own installations, or those of third parties, properly maintained for the management of the enterprise, which will constitute its legal domicile, where the competent authority can conduct the inspections and verifications it deems necessary.</p>

<b>25. Sector</b>	Transport: Land transport
<b>Obligations Concerned:</b>	National Treatment (Article 11.3)
<b>Level of Government:</b>	Central
<b>Measures:</b>	The “Acuerdo sobre Transporte Internacional Terrestre”, signed between the Governments of la República de Chile, la República de Argentina, la República de Bolivia, la República Federativa de Brasil, la República del Paraguay, la República del Perú y la República Oriental del Uruguay - ATIT, signed in Montevideo January 1, 1990.
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Foreign vehicles allowed by Peru, in conformity with the ATIT, which carry out international transportation by road, will not be able to provide local transport (cabotage) in the Peruvian territory.

<b>26. Sector</b>	Research and Development Services Archaeological Research Services
<b>Obligations Concerned:</b>	National Treatment (Article 11.3)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Resolución Suprema No. 004-2000-ED, Diario Oficial "El Peruano" del 25 de enero de 2000, Reglamento de Investigaciones Arqueológicas, artículo 30.
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  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 or sub-director shall participate in the integral execution of the project (field and office work).



**27. Sector** Services Related to Energy Services

**Obligations Concerned:** National Treatment (Article 11.3)  
Local Presence (Article 11.6)

**Level of Government:** Central

**Measures:** Ley N° 26221, Diario Oficial “El Peruano” del 19 de agosto de 1993, Ley General de Hidrocarburos, artículo 15.

**Description:** Cross-Border Trade in Services

In order to enter into an exploration contract in Peru, foreign natural persons must register in the Public Registry and provide a power of attorney to a Peruvian national resident in the capital of the Republic of Peru.

Foreign enterprises must establish a branch or constitute a society under the *Ley General de Sociedades*, be domiciled in the capital of the Republic of Peru, and appoint a Peruvian national as an executive agent.

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