

ANNEX II

Schedule of Peru

Sector	All Sectors
Obligations Concerned	Most-Favored-Nation Treatment (Articles 10.4 and 11.3)
Description	<u>Investment and Cross-Border Trade in Services</u> Peru 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. Peru 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 after the date of entry into force of this Agreement involving: (a) aviation; (b) fisheries; or (c) maritime matters,¹ including salvage.

¹ For greater certainty, maritime matters include transport by lakes and rivers.

Sector	Indigenous Communities, Peasant, Native, and Minority Affairs
Obligations Concerned	National Treatment (Articles 10.3, 11.2) Most Favored Nation Treatment (Articles 10.4 and 11.3) Local Presence (Article 11.5) Performance Requirements (Article 10.9) Senior Management and Board of Directors (Article 10.10)
Description	<u>Investment and Cross-Border Trade in Services</u> 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 entry: ethnic groups means indigenous and native communities; minorities includes peasant (<i>campesinos</i>) communities.

Sector	Fishing
Obligations Concerned	National Treatment (Article 10.3) Most Favored Nation Treatment (Article 10.4) Performance Requirements (Article 10.9)
Description	<u>Investment</u> Peru reserves the right to adopt or maintain any measure relating to artisanal fishing.

Sector: Cultural Industries

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

Description: Investment and Cross-Border Trade in Services

For purposes of this entry, the term “cultural industries” 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, or display of recordings of movies or videos;
- (c) Production, distribution, sale, or display of music recordings in audio or video format;
- (d) Production and presentation of theater arts;²
- (e) Production and exhibition of visual arts;
- (f) Production, distribution, or sale of printed music scores or scores readable by machines;
- (g) Design, production, distribution and sale of handicrafts; or
- (h) Radiobroadcasts aimed at the public in general, as well as all radio, television, and cable television-related activities, satellite programming services, and broadcasting networks.

Peru reserves the right to adopt or maintain any measure giving preferential treatment to persons of other countries pursuant to any existing or future bilateral or multilateral international agreement between Peru and any such country containing specific commitments regarding cultural cooperation or co-production by cultural industries, including audio-visual cooperation agreements.

² **Theater arts** means live performances or presentations such as drama, dance, or music.

For greater certainty, Articles 10.3 and 10.4 and Chapter Eleven do not apply to government support³ for the promotion of cultural industries.

³ For purposes of this entry, “government support” means tax incentives, incentives on mandatory contributions, government grants, government supported loans, guarantees, or trusts, or insurance provided by a government, irrespective of whether a private entity is wholly or partially responsible for its management. However, a measure is not covered by this entry to the extent that it is inconsistent with Article 22.3 (Taxation).

Sector: Handicraft Industries

Obligations Concerned: National Treatment (Article 11.2)
Performance Requirements (Article 10.9)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to the design, distribution, retailing, or exhibition of handicrafts that are identified as Peruvian handicrafts.

Performance requirements shall in all cases be consistent with the WTO Agreement on Trade-Related Investment Measures.

Sector: Audio-Visual Industry

Obligations Concerned: National Treatment (Article 11.2)
Performance Requirements (Article 10.9)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure whereby a specified percentage (up to 20 percent) of the total cinematographic works shown on an annual basis in cinemas or exhibition rooms in Peru consist of Peruvian cinematographic works. In establishing such percentage, Peru shall take into account factors including the national cinematographic production, the existing exhibition infrastructure in the country and attendance.

For greater certainty, this entry does not apply to advertising.

Sectors:	Jewelry Design Theater arts Visual arts Music Publishing
Obligations Concerned:	National Treatment (Article 11.2) Performance Requirements (Article 10.9)
Description:	<u>Investment and Cross-Border Trade in Services</u>

Peru reserves the right to adopt or maintain any measure conditioning the receipt or continued receipt of government support⁴ 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.

For greater certainty, this entry does not apply to advertising.

⁴ For purposes of this entry, “government support” means tax incentives, incentives on mandatory contributions, government grants, government supported loans, guarantees, or trusts, or insurance provided by a government, irrespective of whether a private entity is wholly or partially responsible for its management. However, a measure is not covered by this entry to the extent that it is inconsistent with Article 22.3 (Taxation).

Sector:	Audio-visual industry Publishing Music
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Articles 10.4 and 11.3)
Description:	<u>Investment and Cross-Border Trade in Services</u> Peru may adopt or maintain any measure that affords a person of another Party the treatment that is afforded by that other Party to Peruvian persons in the audiovisual, publishing, and music sectors.

Sector	Social Services
Obligations Concerned	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5) Performance Requirements (Article 10.9) Senior Management and Board of Directors (Article 10.10)
Description	<u>Investment and Cross-Border Trade in Services</u> 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.

Sector: Public Supply of Potable Water

Obligations Concerned: Market Access (11.4)
Local Presence (11.5)

Description: Cross- Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to the public supply of potable water.

For greater certainty, nothing in this reservation shall affect the ability of a foreign enterprise to supply bottled water.

Sector: Public Sewage Services

Obligations Concerned: Market Access (11.4)
Local Presence (11.5)

Description: Cross- Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to public sewage services.