

ANNEX I

Schedule of Costa Rica

Explanatory Notes

1. The Schedule of a Party to this Annex sets out, pursuant to Articles 10.13 (Non-Conforming Measures) and 11.6 (Non-Conforming Measures), a Party's existing measures that are not subject to some or all of the obligations imposed by:
 - (a) Articles 10.3 (National Treatment) or 11.2 (National Treatment);
 - (b) Articles 10.4 (Most-Favored-Nation Treatment) or 11.3 (Most-Favored-Nation Treatment);
 - (c) Article 11.5 (Local Presence);
 - (d) Article 10.9 (Performance Requirements);
 - (e) Article 10.10 (Senior Management and Boards of Directors); or
 - (f) Article 11.4 (Market Access)
2. Each Schedule entry sets out the following elements:
 - (a) **Sector** refers to the sector for which the entry is made;
 - (b) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1 that, pursuant to Articles 10.13 (Non-Conforming Measures) and 11.6 (Non-Conforming Measures), do not apply to the listed measure(s);
 - (c) **Level of Government** indicates the level of government maintaining the listed measure(s);
 - (d) **Measures** identifies the laws, regulations, or other measures for which the entry 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;
 - (e) **Description** sets out commitments, if any, for liberalization on the date of entry into force of the Agreement, and the remaining non-conforming aspects of the existing measures for which the entry is made.

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3. In the interpretation of a Schedule entry, all elements of the entry shall be considered. An entry shall be interpreted in light of the relevant provisions of the Chapters against which the entry is made. To the extent that:

- (a) the **Measures** element is qualified by a liberalization commitment from the **Description** element, the **Measures** element as so qualified shall prevail over all other elements; and
- (b) the **Measures** element is not so qualified, the **Measures** element shall prevail over all other elements, unless any discrepancy between the **Measures** element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the **Measures** element should prevail, in which case the other elements shall prevail to the extent of that discrepancy.

4. In accordance with Article 10.13 (Non-Conforming Measures) and 11.6 (Non-Conforming Measures), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the law, regulation, or other measure identified in the **Measures** element of that entry.

5. Where a Party maintains a measure that requires that a service provider be a citizen, permanent resident, or resident of its territory as a condition to the provision of a service in its territory, a Schedule entry for that measure taken with respect to Article 11.2 (National Treatment), 11.3 (Most-Favored-Nation Treatment), or 11.5 (Local Presence) shall operate as a Schedule entry with respect to Article 10.3 (National Treatment), 10.4 (Most-Favored-Nation Treatment), or 10.9 (Performance Requirements) to the extent of that measure.

6. For greater certainty, Article 11.4 (Market Access) refers to non-discriminatory measures.

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Sector:	Irrigation Services
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 7593 of 9 August 1996 – <i>Ley de la Autoridad Reguladora de los Servicios Públicos</i> – Arts. 5, 9, and 13
Description:	<u>Cross-Border Services</u> Costa Rica reserves the right to limit the number of concessions to supply irrigation services based on demand for those services. Priority will be given to concessionaires already supplying the service.

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Sector:	Solid Waste Treatment Services
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 7593 of 9 August 1996 – <i>Ley de la Autoridad Reguladora de los Servicios Públicos</i> – Arts. 5, 9, and 13
Description:	<u>Cross-Border Services</u> Costa Rica reserves the right to limit the number of concessions to supply solid waste treatment services based on demand for those services. Priority will be given to concessionaires already supplying the service.

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Sector:	Maritime and Specialty Air Services
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 7593 of 9 August 1996 – <i>Ley de la Autoridad Reguladora de los Servicios Públicos</i> – Arts. 5, 9, and 13
Description:	<u>Cross-Border Services</u> Costa Rica reserves the right to limit the number of concessions to supply maritime and specialty air services in national ports based on demand for those services. Priority will be given to concessionaires already supplying the service.

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Sector:	Professional Services
Obligations Concerned:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Law No. 7221 of 6 April 1991 – <i>Ley Orgánica del Colegio de Ingenieros Agrónomos</i> – Arts. 5, 6, 8, 10, 15, 16, 18, 19, 20, 23, 24, and 25 Executive Decree No. 22688-MAG-MIRENEM of 22 November 1993 – <i>Reglamento General de la Ley Orgánica del Colegio de Ingenieros Agrónomos de Costa Rica</i> – Arts. 6, 7, and 9 Executive Decree No. 29410 of 2 March 2001 – <i>Reglamento del Registro de Peritos-Tasadores del Colegio de Ingenieros Agrónomos</i> – Arts. 6, 20, and 22 Law No. 5230 of 2 July 1973 – <i>Ley Orgánica del Colegio de Geólogos de Costa Rica</i> – Arts. 3, and 9 Executive Decree No. 6419-MEIC of 18 October 1976 – <i>Reglamento del Colegio de Geólogos de Costa Rica</i> – Arts. 4, 5, and 37 Law No. 5142 of 30 November 1972 – <i>Ley Orgánica del Colegio de Farmacéuticos de Costa Rica</i> – Arts. 2, 9, and 10 Executive Decree No. 3503-S of 6 February 1974 – <i>Reglamento General Orgánico o Reglamento Interno del Colegio de Farmacéuticos de Costa Rica</i> – Art. 2 and 6 Law No. 5784 of 19 August 1975 – <i>Ley Orgánica del Colegio de Cirujanos Dentistas de Costa Rica</i> – Arts. 2, 6, 9, 10, 14, and 15 Law No. 4925 of 17 December 1971 – <i>Reforma Integral a la Ley Orgánica del Colegio Federado de Ingenieros y Arquitectos</i> – Arts. 5, 9, 11, 13, 14, and 52 Executive Decree No. 3414-T of 3 December 1973 – <i>Reglamento Interior General del Colegio Federado de Ingenieros y Arquitectos de Costa Rica</i> – Arts. 1, 3, 7, 9, and 54

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Reglamento Especial de Incorporación al Colegio Federado de Ingenieros y Arquitectos de Costa Rica, approved in Session 4-82-A.E.R., 6 December 1982 – Arts. 7 and 8

Reglamento Especial para Determinar Inopia de Profesionales para los Efectos de Miembro Temporal o Incorporación de Extranjeros al Colegio Federado de Ingenieros y de Arquitectos de Costa Rica, approved in Session 45-82-GE of December 1982 – Arts. 1, 2, 3, 4, 5, 6, 7, and 8

Law No. 1038 of 19 August 1947 – *Ley de Creación del Colegio de Contadores Públicos* – Arts. 3, 4, 12, and 15

Law No. 3455 of 14 November 1964 – *Ley Orgánica del Colegio de Médicos Veterinarios* – Arts. 2, 4, 5, 7, and 27

Executive Decree No. 19184-MAG of 10 July 1989 – *Reglamento a la Ley Orgánica del Colegio de Médicos Veterinarios* – Arts. 6, 7, 10, 11, 19, and 24

Law No. 2343 of 4 May 1959 – *Ley Orgánica del Colegio de Enfermeras de Costa Rica* – Arts. 2, 22, 23, 24, and 28

Executive Decree No. 11 of 10 August 1961 – *Reglamento de la Ley Número 2343 del 4 de mayo de 1959 que Crea el Colegio de Enfermeras de Costa Rica* – Arts. 9, 10, 53, 54, and 67

Law No. 7764 of 17 April 1998 – *Código Notarial* – Arts. 3 and 10

Law No. 1269 of 2 March 1951 – *Ley Orgánica del Colegio de Contadores Privados de Costa Rica* – Arts. 2 and 4

Law No. 6038 of 13 January 1977 – *Ley Orgánica del Colegio de Químicos e Ingenieros Químicos de Costa Rica* – Arts. 5, 10, 14, 15, 16, 17, 18, 19, 20, and 71

Executive Decree No. 11275-P of 27 February 1980 – *Reglamento a la Ley Orgánica de Químicos e Ingenieros Químicos de Costa Rica* – Arts. 1, 2, 3, 8, 9, and 83

Law No. 3019 of 9 August 1962 – *Ley Orgánica del Colegio de Médicos y Cirujanos* – Arts. 4, 5, and 7

Executive Decree No. 23110-S of 22 March 1991 – *Reglamento a la Ley Orgánica del Colegio de Médicos y Cirujanos* – Art. 10

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Executive Decree No. 2613-SPSS of 3 November 1972 – *Reglamento General para Autorizar el Ejercicio a Profesionales de Ramas Dependientes de las Ciencias Médicas y a Técnicos en Materias Médico Quirúrgicas* – Arts. 1 and 4

Law No. 3838 of 19 December 1966 – *Ley Orgánica del Colegio de Optometristas de Costa Rica* – Arts. 6 and 7

Law No. 4420 of 18 September 1969 – *Ley Orgánica del Colegio de Periodistas de Costa Rica* – Arts. 2, 24, 25, and 27

Executive Decree No. 14931 of 20 October 1983 – *Reforma al Reglamento de la Ley Orgánica del Colegio de Periodistas de Costa Rica* – Arts. 5, 6, and 26

Law No. 7106 of 4 November 1988 – *Ley Orgánica del Colegio de Profesionales en Ciencias Políticas* – Arts. 6, 26, and 29

Executive Decree No. 19026-P of 31 May 1989 – *Reglamento a la Ley Orgánica del Colegio de Profesionales en Ciencias Políticas y de Relaciones Internacionales* – Arts. 1, 10, 12, 19, 21, and 22

Law No. 8356 of 12 June 2002 – *Reforma Ley Orgánica del Colegio de Profesionales en Ciencias Políticas* – Art. 1

Law No. 4288 of 12 December 1968 – *Ley Orgánica del Colegio de Biólogos* – Arts. 6 and 7

Executive Decree No. 39 of 6 March 1970 – *Reglamento de la Ley Orgánica del Colegio de Biólogos de Costa Rica* – Arts. 10, 11, 16, 17, 18, and 19

Reglamento a la Ley Orgánica al Colegio de Bibliotecarios de Costa Rica, approved in the ordinary General Assembly of 2 October 1991 – Arts. 12 and 17

Law No. 7537 of 22 August 1995 – *Ley Orgánica del Colegio de Profesionales en Informática y Computación* – Arts. 6 and 8

Law No. 8142 of 17 October 2001 – *Ley de Traducciones e Interpretaciones Oficiales* – Art. 6

Executive Decree No. 30167-RE of 25 January 2002 – *Reglamento a la Ley de Traducciones e Interpretaciones Oficiales* – Art. 10

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Law No. 7105 of 31 October 1988 – *Ley Orgánica del Colegio de Licenciados en Ciencias Económicas de Costa Rica* – Arts. 4, 6, 15, 19, and 20

Executive Decree No. 20014-MEIC of 19 September 1990 – *Reglamento General de Profesionales en Ciencias Económicas de Costa Rica* – Arts. 10, 14, and 17

Law No. 7503 of 3 May 1995 – *Ley Orgánica del Colegio de Físicos* – Arts. 6 and 10

Executive Decree No. 28035-MINAE-MICIT of 14 April 1999 – *Reglamento a la Ley Orgánica del Colegio de Físicos* – Arts. 6, 7, 10, 11, 18, and 21

Law No. 6144 of 28 November 1977 – *Ley Orgánica del Colegio Profesional de Psicólogos de Costa Rica* – Arts. 4, 5, and 6

Reglamento General del Colegio Profesional de Psicólogos de Costa Rica, approved in Session No. 3 of the Ordinary General Assembly of 09 March 1979 – Arts. 9, 10, and 11

Executive Decree No. 28595-S of 23 March 2000 – *Reglamento de la Ley Orgánica del Colegio de Profesionales en Quiropráctica* – Art. 15

Description:

Cross-Border Services and Investment

To join the Professional Associations of Public Accountants, Pharmacists, Geologists, Physicians and Surgeons, Veterinarians, Lawyers (i.e., Notaries), Dental Surgeons, Optometrists, Journalists, Nurses, Medical and Surgical Technicians and Medical Sciences Branches, all foreign professionals must prove that, in their home jurisdiction where they are allowed to practice, Costa Rican nationals can exercise their profession under like circumstances.

To join the Professional Associations of Public Accountants, Pharmacists, Geologists, Agronomical Engineers (Forestry or Agriculture/Livestock Appraisers-Surveyors), Physicians and Surgeons, Veterinarians, Dental Surgeons, Journalists, Medical and Surgical Technicians and Medical Sciences Branches, Computer and Information Technology, Nurses and Official Translators and Interpreters, foreign professionals must have the migratory status of residents in Costa Rica at the time of applying for membership, as well as have a certain minimum number of years of residence.

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The number of years varies from one Professional Association to another, but usually ranges between two to five years.

To join the Professional Associations of Lawyers (i.e., Notaries), Chemists and Chemical Engineers, Political Scientists and International Relations Specialists and Physicists, foreign professionals must have the migratory status of residents in Costa Rica at the time of applying for membership.

Only Costa Rican professionals duly registered in the *Colegio de Ingenieros Agrónomos* can supply their services for consulting enterprises in agronomical sciences operating in Costa Rica to comply with the 50 percent legal requirement of total professional consulting advisory time.

Consulting or advisory work in the field of agronomical sciences carried out in Costa Rica under the auspices of foreign governments or international institutions shall be jointly conducted by Costa Rican nationals registered in the Colegio, along with foreign nationals.

Foreign professionals in political sciences and international relations specialists may only be hired by public or private entities when they are active members of the Professional Association and insufficiency of Costa Rican professionals has been declared.

For greater certainty, subject to the conditions and terms included in the applicable legislation, the following professional associations may provide temporary licenses to allow temporary professional practice in Costa Rica: Biologists, Economists and Social Scientists, Political Scientists and International Relations Specialists, Dental Surgeons, Pharmacists, Physicists, Computer and Information Technology Professionals, Agronomical Engineers, Architects and Engineers, Physicians and Surgeons, Veterinarians, Journalists, Psychologists, Chemists and Chemical Engineers and Chiropractors.

For greater certainty, none of the measures listed in this Annex entry restricts enterprises in Costa Rica from otherwise employing foreign professionals in accordance with Costa Rican law in order to carry out contracts.

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Sector:	Maritime-Land Zone
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Local Presence (Article 11.5) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 6043 of 2 March 1977 – <i>Ley sobre la Zona Marítimo Terrestre</i> – Arts. 9, 10, 11, and 12, and Chapters 3 and 6
Description:	<u>Cross-Border Services and Investment</u>

A concession is required to perform any type of development or activity in the maritime-terrestrial zone.¹ Such a concession shall not be granted to or held by: (a) foreign nationals that have not resided in the country for at least five years; (b) enterprises with bearer shares; (c) enterprises domiciled abroad; (d) enterprises incorporated in the country solely by foreign nationals; or (e) enterprises where more than 50 percent of the capital shares or stocks are owned by foreigners.

Within the maritime-terrestrial zone, no concession may be granted within the first 50 meters counted from the high tide line nor in the area comprised between the high tide line and the low tide line.

¹ The maritime-terrestrial zone is the area located along the Atlantic and Pacific coast lines of Costa Rica. It comprises an area 200 meters wide in-land measured from the high tide line as well as the area comprised between the high and the low tide lines. The maritime-terrestrial zone also covers all islands located within the Costa Rican territorial waters.

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Sector:	Land Transportation Services – Transportation of Passengers
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Articles 10.4 and 11.3) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Executive Decree No. 26 of 10 November 1965 – <i>Reglamento del Transporte Internacional de Personas</i> – Arts. 1, 3, 4, 5, 9, 15, and 16 as amended by Executive Decree No. 20785-MOPT of 4 October 1991 – Art. 1 Law No. 3503 of 10 May 1965 – <i>Ley Reguladora del Transporte Remunerado de Personas en Vehículos Automotores</i> – Arts. 1, 3, 4, 6, 10, 11, and 25 Executive Decree No. 31180-MOPT of 24 April 2003 – <i>Regula el Servicio Público de Transporte Remunerado de Personas en Modalidad de Taxi</i> – Art. 1 Law No. 7969 of 22 December 1999 – <i>Ley Reguladora del Servicio Público de Transporte Remunerado de Personas en Vehículos en la Modalidad de Taxis</i> – Arts. 1, 2, 3, 29, 30, and 33 Executive Decree No. 5743-T of 12 February 1976 – <i>Reglamento a la Ley Reguladora del Transporte Remunerado de Personas en Vehículos Taxis</i> – Arts. 1, 2, 5, and 14 Executive Decree No. 28913-MOPT of 13 September 2000 – <i>Reglamento del Primer Procedimiento Especial Abreviado para el Transporte Remunerado de Personas en Vehículos en la Modalidad de Taxi</i> – Arts. 1, 3, and 16 Law No. 5066 of 30 August 1972 – <i>Ley General de Ferrocarriles</i> – Arts. 1, 4, 5, and 41 Executive Decree No. 28337-MOPT of 16 December 1999 – <i>Reglamento sobre Políticas y Estrategias para la Modernización del Transporte Colectivo Remunerado de Personas por Autobuses Urbanos para el Área Metropolitana de San José y Zonas Aledañas que la Afecta Directa o Indirectamente</i> – Art. 1

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Executive Decree No 15203-MOPT of 22 February 1984
Reglamento para la Explotación de Servicios Especiales de Transporte Automotor Remunerado de Personas – Arts. 2, 3, 4, and 5

Law No. 7593 of 9 August 1996 – *Ley de la Autoridad Reguladora de los Servicios Públicos* – Arts. 5, 9, 10, and 13

Description:

Cross-Border Services and Investment

Costa Rica reserves the right to limit the number of concessions to operate domestic remunerated passenger transportation routes in automotive vehicles (including special passenger transportation services as defined in Articles 2 and 3 of Executive Decree No. 15203-MOPT of 22 February 1984 – *Reglamento para la Explotación de Servicios Especiales de Transporte Automotor Remunerado de Personas*). Such concessions shall be awarded through bidding, which shall only be opened if the *Ministerio de Obras Públicas y Transportes* has previously determined the need to supply the service according to the proper technical studies.

Where there are multiple bids, including one by a Costa Rican supplier, that satisfy the requirements to the same extent, the Costa Rican bid shall be preferred over the foreign bid, whether by natural persons or enterprises.

A permit to operate an international remunerated passenger transportation service shall be granted only to enterprises organized under Costa Rican law or those that are at least 60 percent owned by Central American nationals.

In addition to the restriction set out above, when granting permits to supply international services for remunerated passenger transportation, the principle of reciprocity shall apply.

A permit is required in order to supply international remunerated passenger land transportation services. New concessions may be granted if justified by demand for the service. Priority will be given to concessionaires already supplying the service.

Costa Rica reserves the right to limit the number of permits or concessions to supply domestic remunerated passenger land transportation services based on demand for the service. Priority will be given to concessionaires already supplying the service.

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The *Ministerio de Obras Públicas y Transportes* reserves the right to set annual limits on the number of concessions for taxi cab services to be granted in each district, county (*cantón*), and province. Only one taxi cab concession may be granted to each natural person, and each concession grants the right to operate only one vehicle. Bids for taxi concessions are awarded based on a point system that gives an advantage to existing suppliers.

Each concession to supply regular public remunerated passenger transportation services in automotive vehicles, excluding taxi cabs, may be granted only to one person, unless an economic needs test evidences the need to have additional suppliers. In addition, one natural person may not own more than two enterprises nor be a majority shareholder in more than three enterprises operating different routes.

Permission to supply non-tour bus passenger transportation services in the greater metropolitan area of the Central Valley of Costa Rica shall only be granted once it has been demonstrated that regular public bus services cannot satisfy the demand.

Costa Rica reserves the right to maintain a monopoly over the supply of railroad transportation. However the State can grant concessions to private persons. Concessions may be granted if justified by demand for the service. Priority will be given to concessionaires already supplying the service.

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Sector:	Land Transportation Services – Freight Transportation
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Articles 10.4 and 11.3) Senior Management and Boards of Directors (Article 10.10) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Executive Decree No. 31363 of 02 June 2003 – <i>Reglamento de Circulación por Carretera con base en el Peso y las Dimensiones de los Vehículos de Carga</i> – Art. 69 Executive Decree No. 15624-MOPT of 28 August 1984 – <i>Reglamento del Transporte Automotor de Carga Local</i> – Arts. 8, 9, 10, and 12 Law No. 7593 of 9 August 1996 – <i>Ley de la Autoridad Reguladora de los Servicios Públicos</i> – Arts. 5, 9, and 13
Description:	<u>Cross-Border Services and Investment</u> Only Costa Rican nationals or enterprises may supply motorized transportation services between two points within the territory of Costa Rica. Such an enterprise must meet the following requirements: (a) at least 51 percent of its capital must be owned by Costa Rican nationals; and (b) Costa Rican nationals must have effective control and management of the enterprise. No motor vehicle, trailer, or tractor-trailer with foreign license plates may transport goods within the territory of Costa Rica. This prohibition does not apply to vehicles, trailers, or tractor-trailers registered in one of the Central American countries. Foreign enterprises involved in international multi-modal freight transportation must contract enterprises organized under the laws of Costa Rica to transport containers and tractor-trailers within Costa Rica. Costa Rica reserves the right to grant concessions to supply railroad freight transportation services based on demand for the service. Priority will be given to concessionaires already supplying the service.

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Sector:	Water Transportation Services
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Market Access (Article 11.4) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Law No. 7593 of 9 August 1996 – <i>Ley de la Autoridad Reguladora de los Servicios Públicos</i> – Arts. 5, 9, and 13 Law No. 104 of 06 June 1853 – <i>Código de Comercio de 1853- Libro III Del Comercio Marítimo</i> – Arts. 537 and 580 Law No. 12 of 22 October 1941 – <i>Ley de Abanderamiento de Barcos</i> – Arts. 41 and 43 Law No. 2220 of 20 June 1958 – <i>Ley de Servicio de Cabotaje de la República</i> – Arts. 5, 7, 8, 9, 11, and 12 Executive Decree No. 66 of 4 November 1960 – <i>Reglamento de la Ley de Servicios de Cabotaje de la República</i> – Arts. 10, 11, 12, 15, and 16 Executive Decree No. 12568-T-S-H of 30 April 1981 – <i>Reglamento del Registro Naval Costarricense</i> – Arts. 8, 10, 11, 12, and 13 Executive Decree No. 23178-J-MOPT of 18 April 1994 – <i>Traslada Registro Nacional Buques al Registro Público Propiedad Mueble</i> – Art. 5
Description:	<u>Cross-Border Services and Investment</u> Costa Rica reserves the right to limit the number of concessions to water transportation services based on demand for those services. Priority will be given to concessionaires already supplying the service. A concession to supply cabotage services shall only be granted to Costa Rican nationals or enterprises organized under Costa Rican law of which at least 60 percent of the shares are owned by Costa Rican nationals.

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Only Costa Rican nationals, national public entities, enterprises constituted and domiciled in Costa Rica, and shipping company representatives can register vessels in Costa Rica. This rule may not apply to foreign nationals or foreign enterprises registering vessels smaller than 50 tons for non-commercial use only.

All natural persons or enterprises established abroad that own one or more foreign registered vessels located in Costa Rica shall appoint and maintain an agent or legal representative in Costa Rica to act as liaison with the official authorities in all vessel-related matters.

Trade and tourist cabotage activities between Costa Rican ports must be conducted by vessels registered in Costa Rica.

Foreign nationals who wish to act as captain of a vessel with Costa Rican registry and flag must post a bond equivalent to at least half of the value of the vessel under his/her command.

At least ten percent of the crew on Costa Rican registered vessels used for international traffic that call on Costa Rican ports shall be Costa Rican nationals, provided that such trained personnel are available domestically.

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Sector:	Specialty Air Services
Obligations Concerned:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Law No. 5150 of 14 May 1973 – <i>Ley General de Aviación Civil</i> – Arts. 143, 156, paragraphs 3 and 4, and 179 Executive Decree No. 3326-T of 25 October 1973 – <i>Reglamento para el Otorgamiento de Certificados de Explotación</i> – Arts. 5 and 6 Executive Decree No. 4440-T of 3 January 1975 – <i>Reglamento para la Operación del Registro Aeronáutico Costarricense</i> – Art. 20 and 38 Executive Decree No. 4637- T of 18 February 1975 – <i>Reglamento de Licencias para Personal Técnico Aeronáutico</i> – Art. 23 Executive Decree No. 31520-MS-MAG-MINAE-MOPT-MGPSP of 16 October 2003 – <i>Reglamento para las Actividades de Aviación Agrícola</i> – Arts. 10, 11, 13, 24, and 41 Executive Decree No. 28262-MOPT of 1 November 1999 – <i>Reglamento de Certificados de Operador Aéreo (COA), Certificados Operativos y Autorizaciones de Operación (RAC 119)</i> – Sections 119.33 and 119.47
Description:	<u>Cross-Border Services</u> Costa Rican enterprises interested in obtaining a provider certificate for any aeronautical service, including specialty air services, must demonstrate that effective control and management of the enterprise, and at least 51 percent of the capital, are in the hands of Costa Rican nationals. Certificates for the supply of any aeronautical service shall be issued to enterprises constituted under foreign law, based on the principle of reciprocity.

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Every holder of a provider certificate must maintain an operation and maintenance base in Costa Rica.

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Sector:	Air Transportation Services
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4) Senior Management and Boards of Directors (Article 10.10)
Level of Government:	Central
Measures:	Law No. 5150 of 14 May 1973 – <i>Ley General de Aviación Civil</i> – Arts. 36, 37, 42, 149, 156, and 179 Executive Decree No. 3326-T of 25 October 1973 – <i>Reglamento para el Otorgamiento de Certificados de Explotación</i> – Arts. 5 and 6 Executive Decree No. 4440-T of 3 January 1975 – <i>Reglamento para la Operación del Registro Aeronáutico Costarricense</i> – Arts. 20 and 38 Executive Decree No. 4637-T of 18 February 1975 – <i>Reglamento de Licencias para Personal Técnico Aeronáutico</i> – Art. 23
Description:	<u>Investment</u> Only Costa Rican nationals or enterprises may supply domestic air transport services, whether regular or non-regular. In order to supply these services, the Costa Rican enterprise must meet the following requirements: (a) at least 51 percent of its capital must be owned by Costa Rican nationals; and (b) effective control and management of the enterprise must be in the hands of Costa Rican nationals. Foreign nationals cannot be members of the Board of Directors of such enterprises. Only Costa Rican nationals or enterprises may register aircraft in the <i>Registro Aeronáutico Costarricense</i> to be used for remunerated airborne activities. Foreign nationals that legally reside in the country may also register aircraft used exclusively for non-commercial purposes. In the absence of agreements or conventions, certificates for the supply of international air transportation shall be issued based on the principle of reciprocity.

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Sector:	Tourist Guides
Obligations Concerned:	National Treatment (Article 11.2)
Level of Government:	Central
Measures:	Executive Decree No. 31030-MEIC-TUR of 17 January 2003 – <i>Reglamento de los Guías de Turismo</i> – Art. 11
Description:	<u>Cross-Border Services</u> Only Costa Rican nationals may apply for tour guide licenses.

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Sector:	Travel Agencies and Tourism
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 5339 of 24 August 1973 – <i>Ley Reguladora de las Agencias de Viajes</i> – Art. 8 Executive Decree No. 24863-H-TUR of 5 December 1995 – <i>Reglamento de la Ley de Incentivos para el Desarrollo Turístico</i> – Art. 16
Description:	<u>Cross-Border Services</u> Costa Rica reserves the right to limit the number of travel agencies authorized to operate in Costa Rica based on demand for that service.

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Sector:	Transportation Services – Custom Brokers - Assistant Custom Brokers – Custom Transportation Agents
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Law No. 7557 of 20 October 1995 – <i>Ley General de Aduanas y sus reformas</i> – Arts. 28, 29, 33, 35, 40, 41, 44, 46, and 49 Executive Decree No. 25270-H of 14 June 1996 – <i>Reglamento a la Ley General de Aduanas</i> – Arts. 77, 78, and 113
Description:	<u>Cross-Border Services</u> Only persons or enterprises that have a legal representative and corporate headquarters in Costa Rica may act as a customs transportation agent, international freight agent, customs depositary, or other public function customs auxiliary. Only Costa Rican nationals may act as customs brokers.

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Sector:	Telecommunications Related Services – Radio and Television
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Articles 10.4 and 11.3) Senior Management and Boards of Directors (Article 10.10) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Constitución Política de la República de Costa Rica</i> – Art.121 paragraph 14 Law No. 1758 of 19 June 1954 – <i>Ley de Radio y Televisión</i> – Arts. 1, 2, 3, and 7 Executive Decree No. 21 of 29 September 1958 – <i>Reglamento para la Operación de Radiodifusoras de Televisión</i> – Art. 4 Executive Decree No. 63 of 11 December 1956 – <i>Reglamento de Estaciones Inalámbricas</i> – Arts. 7, 13, 15, and 30
Description:	<u>Cross-Border Services and Investment</u> In Costa Rica, wireless services may not be permanently removed from State ownership and may be supplied only by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited period of time and on the basis of conditions and stipulations to be established by the Legislative Assembly. Only a Costa Rican national or enterprise with at least 65 percent of its capital owned by Costa Rican nationals may establish or manage an enterprise that supplies wireless services. This restriction does not apply to the establishment and operation of ham radio stations, but rights shall not be granted to a foreign national residing in Costa Rica when the country of origin of the foreign national does not grant that same right to Costa Rican nationals. Only a Costa Rican national or enterprise that has nominal capital stock and is owned by Costa Rican nationals may obtain a license for Ultra High Frequency (UHF) radio broadcasting services. Only a Costa Rican national or enterprise with at least 65 percent of its capital owned by Costa Rican nationals may obtain a license

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or be awarded a free over the air broadcast television channel for signals that originate in Costa Rica.

Only a Costa Rican national or enterprise with at least 65 percent of its capital owned by Costa Rican nationals may obtain a license to operate radio; ham radio; radio-television; and maritime, aeronautical, meteorological, and private broadcasting stations.

Directors and administrators of enterprises supplying radio and television services must be Costa Rican by birth or must have been naturalized Costa Ricans for at least ten years.

The right to establish radiographic stations in Costa Rica for transmission or reception of official messages is permanently reserved to the State, and is not subject to concession.

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Sector:	Wholesale and Retail Distribution – Crude Oil and Its Derivatives
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<p>Law No. 7356 of 24 August 1993 – <i>Ley del Monopolio Estatal de Hidrocarburos Administrado por Recope “Establece Monopolio a favor del Estado para la Importación, Refinación y Distribución de Petróleo, Combustibles, Asfaltos y Naftas”</i> – Art.1</p> <p>Law No. 7593 of 9 August 1996 – <i>Ley de la Autoridad Reguladora de los Servicios Públicos</i> – Arts. 5, 9, and 13</p>
Description:	<p><u>Cross-Border Services</u></p> <p>Wholesale distribution of crude oil and its derivatives – including fuel, asphalt, and naphtha – is subject to a State monopoly.</p> <p>Costa Rica reserves the right to limit the number of concessions for retail distributors of crude oil and its derivatives – including fuel, asphalt, and naphtha – based on demand for the service. Priority will be given to concessionaires already supplying the service.</p>

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Sector:	Services Incidental to Mining – Hydrocarbon Exploration
Obligations Concerned:	Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Constitución Política de la República de Costa Rica</i> – Art. 121 Law No. 7399 of 3 May 1994 – <i>Ley de Hidrocarburos</i> – Arts. 1 and 22 Executive Decree No. 24735-MIRENEM of 29 September 1995 – <i>Reglamento a la Ley de Hidrocarburos</i> – Art. 17 Executive Decree No. 28148-MINAE of 30 August 1999 – <i>Reglamento de Cesión de Derechos y Obligaciones de Contratos de Exploración y Explotación de Hidrocarburos</i> – Art. 3
Description:	<u>Cross-Border Services</u> If the recipient of a concession for hydrocarbon exploration and other services incidental to the mining of hydrocarbons that is organized under the law of a foreign country, it must have a branch office and legal representative in Costa Rica.

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Sector:	Mining and Services Incidental to Mining – Ores Other than Hydrocarbons
Obligations Concerned:	Market Access (Article 11.4) National Treatment (Articles 10.3 and 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Constitución Política de la República de Costa Rica</i> – Art. 121, paragraph 14 Law No. 6797 of 4 October 1982 – <i>Código de Minería</i> – Arts. 1, 4, 6, 7, 9, 11, 66, 67, 69, 70, 71, and 74
Description:	<u>Cross-Border Services and Investment</u> Exploration and other services incidental to the mining of any radioactive minerals in Costa Rica may be supplied only by the State or by private parties under a concession, in accordance with the Constitution. Concessions for mining or exploration of ores other than hydrocarbons may not be granted to foreign governments or their representatives. Concessionaires that are enterprises organized under foreign law or natural persons not resident in Costa Rica must appoint a legal representative with full powers of attorney to acquire rights and enter into obligations on behalf of the represented natural persons or enterprise, and must also maintain an office in Costa Rica. Banks of the Costa Rican Banking System shall not grant funds in an amount greater than ten percent of the total investment to enterprises with more than 50 percent foreign ownership. Only individuals can constitute mining cooperatives, and 75 percent of the members must be Costa Rican nationals.

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Sector:	Scientific and Research Services
Obligations Concerned:	Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Law No. 7788 of 30 April 1998 – <i>Ley de Biodiversidad</i> – Art. 63
Description:	<u>Cross-Border Services</u>

Foreign nationals or enterprises domiciled abroad that supply scientific research and bioprospecting² services with regard to biodiversity³ in Costa Rica shall designate a legal representative that resides in Costa Rica.

² Bioprospecting includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins, microorganisms, and other products with real or potential economic value found in biodiversity.

³ Biodiversity includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or *sui generis* registry systems.

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Sector:	Free Zones
Obligations Concerned:	Performance Requirements (Article 10.9)
Level of Government:	Central
Measures:	Law No. 7210 of 23 November 1990 – <i>Ley de Régimen de Zonas Francas</i> – Art. 22 Executive Decree No. 29606-H-COMEX of 18 June 2001 – <i>Reglamento a la Ley de Régimen de Zonas Francas</i> – Arts. 55 and 57
Description:	<u>Investment</u> An enterprise established in the Free Zone in Costa Rica may not introduce more than 25 percent of its total sales in goods or 50 percent of its total sales in services into Costa Rica's customs territory. An enterprise established in the Free Zone in Costa Rica that only repackages or redistributes goods but does not alter them may not introduce any such goods into Costa Rica's customs territory.

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Sector:	Services Incidental to Agriculture and Forestry
Obligations Concerned:	National Treatment (Article 11.2)
Level of Government:	Central
Measures:	Law No. 7317 of 30 October 1992 – <i>Ley de Conservación de la Vida Silvestre</i> – Arts. 28, 29, 31, 38, 39, 64, and 66 Executive Decree No. 26435-MINAE of 1 October 1997 – <i>Reglamento a la Ley de Conservación de la Vida Silvestre</i> – Art. 32
Description:	<u>Cross-Border Services</u> A license for scientific or cultural collection of species shall be issued for a maximum of one year for nationals or residents, and six months or less for all other foreigners. Nationals and residents shall pay a lower fee than non-resident foreigners to obtain the license referred to above.

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Sector:	Fisheries and Services Incidental to Fishing
Obligations Concerned:	National Treatment (Article 10.3) Performance Requirements (Article 10.9)
Level of Government:	Central
Measures:	<i>Constitución Política de la República de Costa Rica</i> – Art. 6 Law 190 of 28 September 1948 – <i>Ley de Pesca y Caza Marítimas</i> – Art. 7 Law No. 6267 of 29 August 1978 – <i>Reforma a la Ley de Pesca y Barcos de Bandera Extranjera en Mar Patrimonial</i> – Arts. 3, 5, and 14 Executive Decree No. 23943-MOPT-MAG of 5 January 1995 – <i>Reglamento Regulator del Procedimiento para Otorgar Licencias de Pesca a Buques Extranjeros que Deseen Ejercer la Actividad de Pesca en Aguas Jurisdiccionales Costarricenses</i> – Art. 6 Executive Decree No. 12737-A of 23 June 1981 – <i>Reserva con Exclusividad la Pesca para Fines Comerciales a Costarricenses</i> – Art. 1 Executive Decree No. 17658-MAG of 17 July 1987 – <i>Clasifica Permisos para Pesca de Camarones en el Litoral Pacífico</i> – Arts. 1, 2, and 3
Description:	<u>Investment</u>

The State exercises complete and exclusive sovereignty over its territorial waters within a distance of 12 miles measured from the low-tide mark along its shores, over its continental shelf, and its insular undersea base, in accordance with principles of international law. It also exercises special jurisdiction over the seas adjacent to its territory within a distance of two hundred miles measured from the same mark, in order to protect, preserve, and exploit exclusively all the natural resources and wealth existing in the waters, soil, and subsoil of those zones, in accordance with those principles.

Catch of shrimp and fish with scales may only be allowed in Costa Rica with vessels built in the country with wood obtained in Costa Rica and made by Costa Rican nationals.

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Foreign flag fishing vessels may pay lower fees and benefit from automatic renewal of fishing permits if they supply their catch to national enterprises. National enterprises are those with at least 51 percent of their capital belonging to Costa Rican nationals.

Commercial fishing within the 12 miles of Costa Rican territorial waters is exclusively reserved to Costa Rican nationals and Costa Rican enterprises with at least 51 percent of their capital belonging to Costa Rican nationals that fish with vessels flying the Costa Rican flag.

The commercial catch of shrimp in Costa Rican territorial waters of the Pacific Ocean is reserved to vessels with Costa Rican registry and flag owned by Costa Rican nationals.

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Sector:	Electric Energy
Obligations Concerned:	Market Access (Article 11.4) Local Presence (Article 11.5) National Treatment (Articles 10.3 and 11.2)
Level of Government:	Central
Measures:	<p><i>Constitución Política de la República de Costa Rica – Art. 121</i></p> <p>Law No. 7200 of 28 April 1990 – <i>Ley que Autoriza la Generación Eléctrica Autónoma o Paralela</i> – Arts. 1, 2, 3, 5, 7, and 26 as amended by Law No. 7508 of 09 May 1995 – <i>Ley sobre Reforma a la Ley que Autoriza la Generación Autónoma o Paralela</i> – Arts. 2 and 3</p> <p>Law No. 7789 of 30 April 1998 – <i>Transformación de la Empresa de Servicios Públicos de Heredia</i> – Art. 15</p> <p>Executive Decree No. 20346 MIRENEM of 21 March 1991 – <i>Reglamento a la Ley que Autoriza la Generación Eléctrica Autónoma o Paralela</i> – Arts. 4, 5, 6, and 8</p> <p>Executive Decree No. 24866-MINAE of 12 December 1995 – <i>Reglamento al Capítulo II de la Ley de Generación Paralela: Régimen de Competencia</i> – Art. 34</p> <p>Law No. 7593 of 9 August 1996 – <i>Ley de la Autoridad Reguladora de los Servicios Públicos</i> – Arts. 5, 9, and 13</p> <p>Law No. 8345 of 20 February 2003 – <i>Ley de Participación de las Cooperativas de Electrificación Rural y de las Empresas de Servicios Públicos Municipales en el Desarrollo Nacional</i> – Arts. 1, 2, 3, 6, 7, 9, 11, 12, and 13</p>
Description:	<p><u>Cross-Border Services and Investment</u></p> <p>Costa Rica reserves the right to grant concessions for the transmission, distribution, and trade of electric energy by legislation based on demand for the service. Priority will be given to concessionaires already supplying the service.</p> <p>For greater certainty, some of the enterprises that currently have concessions to supply these services include: <i>Instituto Costarricense de Electricidad (ICE)</i>; <i>Empresa de Servicios Públicos de Heredia</i>; <i>Junta Administrativa del Servicio Eléctrico</i></p>

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Municipal de Cartago (JASEC); Compañía Nacional de Fuerza y Luz; and cooperative associations, cooperative consortiums, and public municipal service enterprises in accordance with the provisions of Law No. 8345.

All of these enterprises may enter into joint ventures with public or private enterprises to supply their services, subject to the provisions stipulated by law. In the case of *Empresa de Servicios Públicos de Heredia*, no less than 51 percent of the capital of the private enterprise may be owned by Costa Rican nationals.

Private persons may invest in activities for the operation of limited capacity power plants⁴ not exceeding 20,000 kW, provided they meet the following requirements:

- (a) *ICE* may purchase electricity from enterprises in which no less than 35 percent of the capital is owned by Costa Rican nationals.
- (b) Enterprises organized under foreign law that sign a power purchase contract with *ICE* must establish a branch office in Costa Rica.

⁴ For greater certainty, *ICE* may authorize the operation of a limited capacity plant, provided that the power generated by all such private plants in Costa Rica does not represent more than 15 percent of the total power produced by all public and private plants in the national electric system. Also for greater certainty, any power generated using water in the public domain may be provided only by the State or by private parties, under a concession, in accordance with the Constitution.

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Sector:	Higher Education Services
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Senior Management and Boards of Directors (Article 10.10)
Level of Government:	Central
Measures:	Executive Decree No. 30431 of 23 April 2002 – <i>Reglamento de la Educación Superior Parauniversitaria</i> – Arts. 6 and 61, paragraph (d)
Description:	<u>Cross-Border Services and Investment</u> No less than 85 percent of the faculty, administrative faculty, and administrative staff of a private institute of higher education must be Costa Rican nationals.

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Sector:	Human Health Service Professionals – Physicians and Surgeons, Dental Surgeons, Microbiologists, Pharmacists, Nurses, and Nutritionists
Obligations Concerned:	National Treatment (Article 11.2)
Level of Government:	Central
Measures:	<p>Law No. 7559 of 9 November 1995 – <i>Ley de Servicio Social Obligatorio para los Profesionales en las Ciencias de la Salud</i> – Arts. 2, 3, 5, 6, and 7</p> <p>Executive Decree No. 25068 of 21 March 1996 – <i>Reglamento de Servicio Social Obligatorio para los Profesionales en Ciencias de la Salud</i> – Arts.7, 13, 14, 17, 18, 21, and 22</p> <p>Executive Decree No. 25841-S of 5 February 1997 – <i>Reforma al Reglamento de Servicio Social Obligatorio para los Profesionales en Ciencias de la Salud</i> – Art. 1</p>
Description:	<p><u>Cross-Border Services</u></p> <p>All Physicians and Surgeons, Dental Surgeons, Microbiologists, Pharmacists, Nurses, and Nutritionists must perform the equivalent of a one-year continuous, remunerated mandatory social services requirement.</p> <p>The assignment of the slots to perform mandatory social services is made through a drawing. If there are enough slots to perform mandatory social services for all applicants, applicants who are Costa Rican nationals are given priority over applicants who are foreign nationals with respect to assignment of the specific slots.</p> <p>If the number of slots offered in the drawing is less than the number of applicants, applicants who are Costa Rican nationals shall have the priority to freely choose if they want to participate or not in the drawing. Such choice shall be respected as long as the number of applicants who do not wish to choose a slot is equal to or less than the number of shortage of slots. When the number of applicants who are Costa Rican nationals that do not wish to participate in the drawing exceeds the number of shortage of slots, a lottery shall be made among them to determine who shall participate in the drawing of slots.</p>

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If there is still a shortage of slots when the applicants who are Costa Rican nationals have already made their choice, the same procedure shall be applied for the drawing of slots among applicants who are foreign nationals.

Subject to the conditions and terms included in the legislation and regulations applicable to each professional category listed above, the mandatory social service requirement may be waived for temporary professional practice.

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Sector:	Audiovisuals – Advertising – Services of Cinema, Radio, Television, and Other Shows
Obligations Concerned:	Performance Requirements (Article 10.9) Local Presence (Article 11.5) National Treatment (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Articles 10.4 and 11.3) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 6220 of 20 April 1978 – <i>Regula Medios de Difusión y Agencias de Publicidad</i> – Art. 3 Law No. 1758 of 19 June 1954 – <i>Ley de Radio y Televisión</i> – Art. 11 Executive Decree No. 12764-G of 22 June 1981 – <i>Reglamenta Ley de Publicidad</i> – Arts. 1 and 5
Description:	<u>Cross-Border Services and Investment</u> Mass media and advertising services may only be provided by enterprises incorporated in Costa Rica with nominative stock or established as “ <i>sociedades personales</i> ” under Costa Rican law. Radio and television programs must observe the following rules: <ul style="list-style-type: none">• If the commercials consist of jingles recorded abroad, a lump sum must be paid every time the commercial is aired on domestically transmitted television. Only 30 percent of the commercials aired on each domestic television station or projected in each cinema may originate from abroad.• Commercials imported in a physical medium from outside the Central American region and aired on domestically transmitted television must pay a tax equivalent to 100 percent of the declared value of the production of the commercial. Radio, movie, or television commercials are considered national when they are produced in any of the Central American countries with which there is reciprocity in the matter.• The number of radio programs and radio soap operas recorded abroad may not exceed 50 percent of the total number aired per domestically transmitted radio station per day.

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- The number of programs filmed or videotaped abroad may be limited to 60 percent of the total number of programs aired on domestically transmitted television per day.

Radio, movie, or television commercials are considered national when at least 90 percent of the jingle has been composed or arranged by Costa Rican nationals, at least 90 percent of the image has been drawn, photographed, printed, filmed, or videotaped by Costa Rican nationals, and when at least 90 percent of the technical personnel participating in the overall production are Costa Rican nationals.

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Sector:	News Agency Services
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Executive Decree No. 14931-C of 20 October 1983 – <i>Reforma Reglamenta Ley Orgánica Colegio Periodistas</i> – Arts. 6 and 26 Executive Decree No. 15294-C of 27 February 1984
Description:	<u>Cross-Border Services</u> Except as authorized, a journalist who is a foreign national may cover events in Costa Rica only if he or she is a resident of Costa Rica. The Board of Directors of the <i>Colegio de Periodistas</i> may grant non-resident foreign nationals a special permit to cover events in Costa Rica for up to one year and may extend that period, provided that doing so does not harm or conflict with the interests of members of the <i>Colegio de Periodistas</i> . If the <i>Colegio de Periodistas</i> decides that an event of international importance will or has occurred in Costa Rica, the <i>Colegio de Periodistas</i> may grant a non-resident foreign national with appropriate professional credentials a temporary permit to cover the event for the foreign media the journalist represents. Such permit may be valid for up to one month after the event.

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Sector:	Sports Services and Other Entertainment Services
Obligations Concerned:	Market Access (Article 11.4) National Treatment (Articles 10.3 and 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Law No. 7744 of 19 December 1997 – <i>Ley de Concesión y Operación de Marinas Turísticas</i> – Arts. 1, 12, and 21 Executive Decree No. 27030-TUR-MINAE-MOPT of 20 May 1998 – <i>Reglamento a la Ley de Concesión y Funcionamiento de Marinas Turísticas</i> – Art. 52
Description:	<u>Cross-Border Services and Investment</u> To obtain concessions to develop tourism marinas or docking facilities, enterprises with their principal place of business abroad must be established in Costa Rica. Foreign nationals shall appoint a representative with sufficient legal authority and with permanent residence in Costa Rica. All foreign flag vessels using marina services may remain in the Costa Rican exclusive economic zone for a maximum period of two years, extendable for like periods. While in Costa Rica, foreign flag vessels and their crew cannot supply water transportation services or fishing, diving, or other sports or tourism-related activities, except tourism cruises.

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Sector:	Railroads, Ports, and Airports
Obligations Concerned:	Market Access (Article 11.4) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Constitución Política de la República de Costa Rica</i> – Art.121, paragraph 14 <i>Law No. 7762 of 14 April 1998 – Ley General de Concesión de Obras Públicas con Servicios Públicos</i> – Arts. 2, 3, 4, 5, and 31
Description:	<u>Cross-Border Services</u> National railroads, docks, and airports – the latter while in use – may not be sold, leased or encumbered, directly or indirectly, or be otherwise removed from State ownership and control. The Executive Branch may grant concessions for railroads, railways, docks, and international airports. In the case of Limon, Moin, Caldera, and Puntarenas docks, concessions may only be granted for future works or expansions. All enterprises holding railroad, port or airport concession must be organized under Costa Rican law and domiciled in Costa Rica.

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Sector:	Wireless Services
Obligations Concerned:	Market Access (Article 11.4) National Treatment (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Articles 10.4 and 11.3)
Level of Government:	Central
Measures:	<i>Constitución Política de la República de Costa Rica</i> – Art. 121, paragraph 14 Law No. 1758 of 19 June 1954 – <i>Ley de Radio y Televisión</i> – Arts. 1, 2, 3, and 25
Description:	<p><u>Cross Border Services and Investment</u></p> <p>In Costa Rica, wireless services may not be permanently removed from State ownership and may be supplied only by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited period of time and on the basis of conditions and stipulations to be established by the Legislative Assembly.</p> <p>The right to establish radiographic stations in Costa Rica for transmission or reception of official messages, is permanently reserved to the State, and is not subject to concession.</p> <p>Only a Costa Rican national or enterprise with at least 65 percent of its capital owned by Costa Rican nationals may establish or manage an enterprise that supplies wireless services. This restriction does not apply to the establishment and operation of ham radio stations, but rights shall not be granted to a foreign national residing in Costa Rica when the country of origin of the foreign national does not grant that same right to Costa Rican nationals.</p> <p>Notwithstanding the measures listed above, including any requirements regarding ownership of capital by Costa Rican nationals, Costa Rica shall allow telecommunications services providers of another Party, on a non-discriminatory basis, to effectively compete to supply directly to the customer, through the</p>

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technology of their choice, the following telecommunications services in its territory:⁵

- (i) private network services,⁶ no later than January 1, 2006;
- (ii) Internet services,⁷ no later than January 1, 2006; and
- (iii) mobile wireless services,⁸ no later than January 1, 2007.

⁵ If Costa Rica requires a license for the provision of a listed service, Costa Rica shall make licenses available within the timeframes specified in this subparagraph.

⁶ **Private network services** (closed-user group services) mean networks provided for communications with no interconnection to the public switched telecommunications network at either end. Nothing in this Annex shall be construed to prevent Costa Rica from prohibiting persons operating private networks from using their networks to supply public telecommunications networks or services to third parties.

⁷ **Internet services** shall include electronic mail; retrieval and processing on-line information and databases and electronic data exchange services, and offering the ability to access the Internet.

⁸ **Mobile wireless services** mean voice, data, and/or broadband services provided by radio electric means in specifically allocated bands, using mobile or fixed terminal equipment, using cellular, PCS (Personal Communications Service), satellite, or any other similar technology that may be developed in the future for these services.

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Sector:	On Premise Supply of Liquors for Consumption
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 10 of 7 October 1936 – <i>Ley sobre la Venta de Licores</i> – Arts. 8, 11, and 16

Description: Cross-Border Services

Municipalities decide the number of establishments selling liquor that can be authorized in each one of the areas under their jurisdiction. In no case can this number exceed the following proportion:

- (a) in province capitals, one establishment selling foreign liquor and one establishment selling domestic liquor per three hundred residents;
- (b) in all other cities with over one thousand inhabitants, one establishment selling foreign liquor per five hundred residents and one establishment selling domestic liquor per three hundred residents;
- (c) cities under one thousand residents but over five hundred residents may have two establishments selling foreign liquor and two selling domestic liquor; and
- (d) any other cities with five hundred residents or less may have one establishment selling foreign liquor and one establishment selling domestic liquor.

No establishment for on-premise supply of liquors for consumption will be allowed outside the perimeter of cities or where no permanent police authority exists.

In a public auction, no person may receive authorization for more than one establishment selling foreign liquor and one establishment selling domestic liquor in the same city.

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Sector:	Lottery Sale Services
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 7395 of 3 May 1994 – <i>Ley de Loterías</i> – Art. 2 Law No. 1387 of 21 November 1951 – <i>Ley de Rifas y Loterías</i> – Art. 1
Description:	<u>Cross-Border Services</u> The <i>Junta de Protección Social de San José</i> shall be the sole manager and distributor of lottery, except for the “ <i>Juego Crea</i> ”. All lottery, “ <i>tiempos</i> ”, raffles, and clubs that award prizes consisting of payments in cash are prohibited, except for the “ <i>Juego Crea</i> ” and those issued by the <i>Junta de Protección Social de San José</i> .