

**DRAFT**  
**Subject to Legal Review for Accuracy, Clarity, and Consistency**  
**January 28, 2004**

**Annex I**  
**Schedule of Honduras**

**Sector:** All Sectors

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

**Level of Government:** Central

**Measures:** *Constitución de la República, Título III, Capítulo II, Artículo 107, Decreto N. 131*  
*Ley para la Adquisición de Bienes Urbanos en las Áreas que delimita el Artículo 107 de la Constitución de la República, Decreto N° 90-90, Artículos 1 y 4*  
*Ley para la Declaratoria, Planeamiento y Desarrollo de las Zonas de Turismo, Decreto No 968, Título V, Capítulo V, Artículo 16*

**Description:** Investment

State land, common land, and private land within 40 kilometers of the borders and coastlines, and such land on islands, keys, coral reefs, breakwaters, rocks, and sand shoals in Honduras, can only be acquired, possessed, or held under any title by Honduran nationals by birth, by enterprises fully owned by Honduran nationals, and by state institutions.

Notwithstanding the preceding paragraph, any person may acquire, possess, hold, or lease for up to 40 years (which may be renewed) urban lands in such areas provided that it is certified and approved for tourist purposes, economic or social development, or for the public interest by the Department of Tourism

Any person that acquires, possesses, or holds such urban land may transfer that land only after prior authorization by the Department of Tourism.

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<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	National Treatment (Article 10.3) Most-Favored -Nation Treatment (Article 10.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Constitución de la República de Honduras, Título VI, Capítulo I, Artículo 337, Decreto No. 131</i>  <i>Reglamento de la Ley de Inversiones, Capítulos I y VI, Artículos 3 y 49 (definiciones), Acuerdo No. 345-92</i>
<b>Description:</b>	<u>Investment</u>  Small-scale industry and trade are reserved to Honduran persons.  Foreign investors cannot engage in small-scale industry or trade unless they are naturalized citizens and their country of origin grants reciprocity.  “Small-scale industry and trade” means an enterprise with capital, excluding land, buildings, and vehicles, of less than 150,000 Lempiras.

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<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Ley de Cooperativas de Honduras, Título II, Capítulo I, Artículos 18 y 19 Decreto No. 65-87 de fecha 20 de mayo de 1987.</i>  <i>Reglamento de la Ley de Cooperativas de Honduras, Artículo 34 (d) aprobado mediante Acuerdo No 191-88 del 30 de mayo de 1988.</i>
<b>Description:</b>	<u>Investment</u>  Non-Honduran cooperatives may establish in Honduras if they receive authorization from the Honduran Institute of Cooperatives ( <i>Instituto Hondureño de Cooperativas</i> ). Authorization will be granted if:  a) reciprocity exists in the country of origin; and  b) the non-Honduran cooperative has at least one permanent legal representative in Honduras.

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**Sector:** Customs Agents and Customs Agencies

**Obligations Concerned:** National Treatment (Article 10.3 and 11.2)

**Level of Government:** Central

**Measures:** *Ley de Aduanas, Decreto No 212-87, Título IX, Capítulo I, Sección Primera y Tercera, Artículos 177 y 182*

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

Licensed customs agents must be Honduran nationals by birth.

Employees of the customs agent, who carry out proceedings on behalf of the customs agent also must be Honduran nationals by birth.

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**Sector:** Agricultural

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

**Level of Government:** Central

**Measures:** *Reglamento de Adjudicación de Tierras en la Reforma Agraria, Artículos 1 y 2, Acuerdo No 2124-92*

**Description:** Investment

Agrarian reform beneficiaries must be Honduran nationals by birth, individually or organized in peasant cooperatives or other peasant enterprises.

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**Sector:** Communications Services - Mail

**Obligations Concerned:** Market Access (11.4)

**Level of Government:** Central

**Measures:** *Reglamento Regulador de la Prestación de Servicios de Mensajería por parte de Empresas Privadas, Artículos 2 y 3*

**Description:** Cross-Border Services

The operation of the mail system in Honduras is reserved exclusively to the *Empresa Hondureña de Correos (HONDUCOR)*.<sup>1</sup>

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<sup>1</sup> However, this exclusivity does not apply to the supply of express delivery services.

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**Sector:** Radio, Television, and Newspaper Services

**Obligations Concerned:** Senior Management and Boards of Directors (Article 10.10)

**Level of Government:** Central

**Measures:** *Decreto No 131, Constitución de la República de Honduras, Capítulo II, Artículo 73, párrafo tercero*

*Decreto No. 6, Ley de Emisión del Pensamiento, Capítulo IV, Artículo 30*

*Reglamento Interno de los Miembros del Colegio de Periodistas de Honduras, Artículo 19.*

**Description:** Investment

Only Honduran nationals by birth may exercise senior management of newspapers or free over the air broadcast (radio and television) news media, including its intellectual, political, and administrative orientation.<sup>2</sup>

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<sup>2</sup> This does not apply to newspapers or news media that are established outside Honduras.

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**Sector:** Telecommunications

**Obligations Concerned:** National Treatment (Article 11.2)

**Level of Government:** Central

**Measures:** *Ley Marco del Sector Telecomunicaciones Capítulo I, Artículo No. 26, Decreto No 185-95*

*Reglamento General de la Ley Marco del Sector de Telecomunicaciones, Acuerdo No. 141-2002 de fecha 26 de diciembre del 2002, Artículo 93, Título III, Capítulo I*

**Description:** Cross-Border Services

Foreign governments may not directly participate in the provision of public telecommunications services.



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**Sector:** Telecommunications

**Obligations Concerned:** Market Access (Article 11.4)

**Level of Government:** Central

**Measures:** *Decreto No. 244-98 del 2 de octubre de 1998, Artículo 1*

**Description:** Cross-Border Services

The Honduran Telecommunications Company (HONDUTEL) has the exclusive right to provide national and international telecommunications services throughout the territory of Honduras, such as: carrier, telex, telephone and telegraph services, including telegraph services in places where there is no other means of communication with the rest of the country. HONDUTEL shall benefit from the exclusive right to provide such services until December 24, 2005.

**Timetable for reduction:** Starting on December 25, 2005, HONDUTEL shall no longer have the exclusive right to provide national and international telecommunications services throughout the territory of Honduras, such as: carrier, telex, telephone and telegraph services, including telegraph services in places where there is no other means of communication with the rest of the country.

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<b>Sector:</b>	Construction or Consulting Services and Related Engineering Services – Civil Engineering
<b>Obligations Concerned:</b>	National Treatment (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Article 11.3) Market Access (Article 11.4) Local Presence (Article 11.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Ley Orgánica del Colegio de Arquitectos de Honduras</i>  <i>Ley Orgánica del Colegio de Ingenieros Agrónomos de Honduras y su Reglamento</i>  <i>Ley Orgánica del Colegio de Arquitectos de Honduras y Artículos 85, literal f) y 99, del Reglamento de la Ley Orgánica</i>  <i>Ley Orgánica del Colegio de Ingenieros Mecánicos, Electricistas y Químicos de Honduras y su Reglamento.</i>
<b>Description:</b>	<u>Cross-Border Services and Investment</u>  Consulting and construction enterprises must be organized pursuant to Honduran law in order to be members of the Association of Civil Engineers of Honduras (CICH) and to perform civil engineering projects in Honduras. Higher membership fees apply to foreign-owned enterprises. In addition, foreign workers must be authorized by the CICH in order to work on such projects.

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**Sector:** Distribution Services - Installation and Operation of Stations or Deposits of Liquid Fuel, Derived from Oil, Car Oil, Diesel, Kerosene, LPG

**Obligations Concerned:** National Treatment (Article 10.3)  
Local Presence (Article 11. 5)

**Level of Government:** Central

**Measures:** *Decreto No 319, Ley de Transporte, Capítulo II, Artículo 11*  
*Decreto No 549 Ley de Representantes, Distribuidores y Agentes de Empresas Nacionales y Extranjeras, Capítulo I y VI, Artículos 4 y 25*  
*Decreto No 804, reforma el Artículo 4 de la Ley de Representantes, Distribuidores y Agentes de Empresas Nacionales y Extranjera*  
*Acuerdo 000489, Reglamento para la Instalación y Funcionamiento de Estaciones y Depósitos de Combustible Líquidos Derivados del Petróleo, Capítulo IV, Artículo 19*

**Description:** Cross-Border Services and Investment  
Owners or leasers of service stations authorized to sell oil products must be at least 51% owned by Honduran nationals.  
Only natural persons that are Honduran nationals may be authorized to sell oil products, and they must be organized as sole proprietorships.

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**Sector:** Electricity

**Obligations Concerned:** Market Access (11.4)

**Level of Government:** Central

**Measures:** *Ley Marco del Sub Sector Eléctrico, Decreto No 158-94, Capítulo V, Artículo 15, de fecha 26 de noviembre de 1994*

**Description:** Cross-Border Services

Only the Honduran Government, through the National Electricity Company, may transmit electricity or operate the electricity transmission system and dispatch center.

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**Sector:** Lotteries

**Obligations Concerned:** Market Access (11.4)

**Level of Government:** Central

**Measures:** *Decreto No 438, publicado el 23 de abril de 1977, Artículo 5*

**Description:** Cross-Border Services

The National Childhood Trust (PANI) exclusively administers the national lottery (major and minor lottery) and other non-traditional lotteries that might be created or authorized in the future by PANI.

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**Sector:** Education Services - Private Preschool, Primary, and Secondary Educational Services

**Obligations Concerned:** National Treatment (Article 11.2 )  
Most-Favored-Nation Treatment (Article 11.3)  
Local presence (Article 11.5 )  
Senior Management and Boards of Directors (Article 10.10)

**Level of Government:** Central

**Measures:** *Constitución de la República, Decreto No 131, Título III, Capítulo VIII, Artículos 166 y 168*

*Ley Orgánica de Educación, Decreto No 79, Artículos 64 y 65*

*Ley de Educación Superior, Decreto No 142-89, Sección A y B, Capítulo V, Artículos 15 c) y ch); 20 ch) y 32*

*Reglamento de Educación Primaria, Acuerdo No 4118EP, Artículos 140, 150, 151 y 152*

*Reglamento de Educación Media, Acuerdo No 4118EP, Artículos 110, 502, 503, 504, 505 y 506*

*Reglamento General de la Ley de Educación Superior, Artículo 64 b) y 70 a)*

*Reglamento de la Ley de Inversiones, Acuerdo No. 345-92 Artículo No. 51*

*Ley del Estatuto del Docente No 136-97, Artículos 7 y 8*

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

A school director or supervisor must be a Honduran national by birth.

Teachers at all levels of the education system must be Honduran nationals by birth or naturalization. Non-Honduran nationals may, however, teach particular subjects at the middle and high school levels if there are no such Honduran nationals available to teach such subjects. Notwithstanding the preceding sentence, non-Honduran nationals may teach the Constitution, civic education, geography, and the history of Honduras only if there is reciprocity for Honduran nationals in their country of origin.

Private schools at all levels must be organized under Honduran law. For greater certainty, there are no restrictions on foreign ownership of such schools.

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**Sector:** Entertainment Services - Music Entertainers

**Obligations Concerned:** National Treatment (Articles 10.3 and 11.2)

**Level of Government:** Central

**Measures:** *Ley de Protección a los Artistas Musicales, Decreto No 123 del 23 de octubre de 1968, Artículos 1, 2, 3, y 4*

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

Foreign music artists who wish to perform individually or as a group in Honduras must pay five percent of the contracted fee to the Artist Union of Honduras and the manager or leaser shall, if possible, contract local artists to perform during the same performance.

For greater certainty, foreign music artists must register with the Artist Union of Honduras for each performance in Honduras.

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**Sector:** Championships and Soccer Games 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:** *Reglamento de Campeonatos y Competencias Liga Nacional de Fútbol No Aficionado de Primera División*

**Description:** Cross-Border Services

Non-Honduran nationals that are players in the Honduran national soccer league must be temporarily resident in Honduras. Each team in such league may register a maximum of four (4) foreign players, one of whom must be a national from a Central American country.



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<b>Sector:</b>	Amusement, Cultural, and Sports Services - Casinos, Gambling (Encompasses Roulette, Cards, Punter, Baccarat, Slot Machines, and the Like)
<b>Obligations Concerned:</b>	National Treatment (Article 10.3) Local Presence (Article 11.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Decreto No 488, Ley de Casinos de Juegos de Envite o Azar, Artículo 3- del 16 de febrero de 1977</i>
<b>Description</b>	<u>Cross-Border Services and Investment</u>  Only Hondurans nationals by birth and enterprises organized under Honduran law may operate a casino.

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**Sector:** Services Related to the Environment - Sewerage and Drainage Services, Potable Water Supply, Municipal Hygiene, Fight Against Contamination of the Marine Environment

**Obligations Concerned:** Market Access (Article 11.4)

**Level of Government:** Central

**Measures:** *Ley de Municipalidades, Decreto No 134-90, Artículo 13, numerales 3, 4 y 15*

*Reglamento de la Ley de Inversiones, Acuerdo No. 345-92 Artículo No.50*

*Ley General del Ambiente, Decreto No. 104-93, Artículo 67*

*Ley Orgánica de la Marina Mercante Nacional, Decreto 167-94, Artículo No.100*

**Description:** Cross-Border Services

The State, through its municipalities, is responsible for the promotion and development of the public supply of potable water and sanitary sewers and drainage throughout the country. The municipalities are responsible for the construction of aqueducts, the maintenance and administration of potable water, sanitary sewerage, and drainage.

The municipalities are responsible for municipal sanitation and hygiene. The municipalities, in consultation with the State Secretariat for Public Health or other technical agencies, are responsible for adopting a system for collecting, treating, and disposing of solid and organic waste, including possibilities for reuse or recycling. The provision of municipal public services may be done by contract with the corresponding municipalities.

Concessions may be granted to private suppliers of such services on a non-discriminatory basis.

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**Sector:** Distribution, Wholesale and Retail – Weapons, Munitions and Other Related Items

**Obligations Concerned:** Market Access (11.4)

**Level of Government:** Central

**Measures:** *Constitución de la República, Título V, Capítulo X, Artículo 292*  
*Ley de Inversiones, Decreto No 80-92, Capítulo VI, Artículo 16*

**Description:** Cross-Border Services

The wholesale and retail distribution of the following items are reserved solely for the Armed Forces of Honduras:

- munitions;
- warplanes,
- military rifles,
- all classes of pistols and revolvers, 41 caliber or higher;
- Honduran Army standard-issue pistols;
- silencers for all classes of firearms;
- firearms;
- accessories and munitions;
- cartridges for firearms;
- apparatus and other accessories required to load cartridges;
- gunpowder, explosives, caps and fuses;
- gas masks; and
- air rifles.

For greater certainty, use of explosives for commercial purposes may be permitted by the appropriate Honduran authority.

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**Sector:** Investigation and Security Services

**Obligations Concerned:** National Treatment (Article 10.3)  
Senior Management and Boards of Directors (Article 10.10)

**Level of Government:** Central

**Measures:** *Ley Orgánica de la Policía Nacional, Artículo 91, Decreto No. 156-98*

**Description:** Investment

In order to be established in Honduras, foreign private security enterprises must partner with Honduran enterprises working in the same field and appoint a Honduran national by birth as a senior manager.

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**Sector:** Fishing

**Obligations Concerned:** National Treatment (Articles 10.3 and 11. 2)  
Local Presence (Article 11.5)

**Level of Government:** Central

**Measures:** *Decreto No 154, Ley de Pesca, Capítulos I, III, IV , Artículos 20, 26 y 29*  
*Acuerdo No 345-92, Reglamento Ley de Inversiones, Capítulo VI, Artículo 50*

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

Only Honduran nationals resident in Honduras and enterprises organized under Honduran law at least 51% owned by Honduran nationals can engage in commercial fishing in the territorial waters, rivers, and lakes in Honduras.

Only Honduran nationals by birth can be captains of commercial fishing vessels.

Only Honduran flag vessels can perform commercial fishing activities in territorial waters in Honduras.

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<b>Sector:</b>	Professional Services
<b>Obligations Concerned:</b>	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Constitución de la República de Honduras, Capítulo VIII, Artículo No 177</i>  <i>Ley de Colegiación Profesional Obligatoria, Artículos 1 y 2</i>  <i>Ley de Educación Superior</i>  <i>Reglamento para el Reconocimiento de Estudios Universitarios e Incorporación de Profesionales, aprobado por el Consejo Universitario de la Universidad Nacional Autónoma de Honduras</i>  <i>Decreto No. 177-94, de fecha 1 de marzo de 1995</i>
<b>Description:</b>	<u>Cross-Border Services</u>  Authorization for professional practice is granted based on principles of reciprocity.  Honduras agrees that if a jurisdiction in the United States recognizes professional degrees awarded by Honduran educational institutions, then Honduras will recognize equivalent professional degrees awarded by U.S. educational institutions.  Likewise, Honduras agrees that if a jurisdiction in the United States allows Honduran nationals to apply for and receive a license or certificate for the provision of a professional service, then Honduras will allow U.S. nationals to apply for and receive an equivalent license or certificate.  For greater certainty, the preceding paragraphs do not grant the automatic recognition of professional degrees or right to practice a profession, nor do they eliminate the nationality requirement for certain professions reserved exclusively for Honduran nationals, as provided for in Annexes I or II.  In addition, the relevant professional association in Honduras will recognize a license granted by a jurisdiction in the United States, and allow the holder of that license to register with the association and practice the profession in Honduras on a temporary basis based on the license issued in a jurisdiction in the United States, in the following cases:  (a) no educational institution in Honduras offers a course of study that would

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allow the practice of the profession in Honduras;

(b) the holder of the license is a recognized expert in the profession; or

(c) allowing the professional to practice in Honduras will, through training, demonstration, or other such opportunity, further the development of the profession in Honduras.

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**Sector:** Air Transportation

**Obligations Concerned:** National Treatment (Article 10.3 )  
Senior Management and Boards of Directors (Article 10.10)

**Level of Government:** Central

**Measures:** *Decreto No 146, Ley de Aeronáutica Civil, Capítulo X, Sección segunda, tercera y cuarta, Artículo 80*

**Description:** Investment

Only Honduran nationals by birth and enterprises organized under Honduran law may supply domestic and international commercial public air transportation services by means of a Honduran flag aircraft.

Such enterprises must be controlled and at least 51% owned by Honduran nationals.



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**Sector:** Air Transportation

**Obligations Concerned:** National Treatment (Article 11.2)  
Most-Favored-Nation Treatment (Article 11.3 )  
Local Presence (Article 11.5)

**Level of Government:** Central

**Measures:** *Decreto No 146, Ley de Aeronáutica Civil, Capítulo X, Sección segunda, tercera y cuarta, Artículos 75 al 126*

**Description:** Cross-Border Services

Private specialty air transportation services for remuneration can only be provided by Honduran nationals or enterprises organized under Honduran law and must be authorized by the Secretariat of Public Works, Transportation and Housing.

When Honduran personnel are not available to perform such activities, foreign pilots or other technical personnel may be allowed to exercise such activities, with preference given to qualified personnel from any Central American country.

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**Sector:** Maritime Transportation: Coastal Navigation

**Obligations Concerned:** National Treatment (Articles 10.3 and 11.2)  
Most-Favored-Nation Treatment (Articles 10.4 and 11.3)  
Local Presence (Article 11.5)

**Level of Government:** Central

**Measures:** *Decreto No 167-94, de fecha 2 de enero de 1995, Ley Orgánica de la Marina Mercante Nacional, Título II, III, Capítulo VII, Artículos 40 al 42 y 48*  
  
*Artículo 6 del Acuerdo No. 000764, Reglamento de Transporte Marítimo del 13 de diciembre de 1997*

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

Coastal navigation for commercial purposes is reserved for Honduran merchant vessels. If there are no Honduran merchant vessels, or if they are not available, and for the time period that such circumstances exist, the General Administration of the National Merchant Marine may authorize foreign merchant vessels to provide coastal navigation in Honduras. In such circumstances, preference shall be given to Central American flag vessels.

Honduran merchant vessels must be organized under Honduran law, at least 51% of its subscribed and paid-in share capital must be owned by Honduran nationals, and the company must be domiciled in Honduras.

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<b>Sector:</b>	Highway Land Transportation
<b>Obligations Concerned:</b>	National Treatment (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Decreto No 319, Ley de Transporte, Artículos 3, 5, 17 y 18</i>  <i>Reglamento de la Ley de Transporte, Artículo 7</i>  <i>Decreto No. 177-94 del 1 de marzo de 1995</i>
<b>Description:</b>	<u>Cross-Border Services and Investment</u>  Public domestic land passenger and cargo transportation services may be supplied only by Honduran nationals and enterprises that are organized under Honduran law and at least 51% owned by Honduran nationals.  Public international land passenger and cargo transportation services may be supplied by non-Honduran nationals and enterprises organized under foreign law based on reciprocity, but authorization for particular routes will be granted on a preferential basis to Honduran nationals and to enterprises organized under Honduran law.

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**Sector:** Transportation - Railways

**Obligations Concerned** National Treatment (Article 10.3)  
Senior Management and Boards of Directors (Article 10.10)

**Level of Government:** Central

**Measures:** *Decreto No. 48, Ley Constitutiva del Ferrocarril Nacional de Honduras, Capítulos I y VIII, Artículos 1, 32 y 34, Artículo 12 reformado mediante Decreto No. 54.*

**Description:** Investment

The Honduran National Railroad may only sell its subsidiaries to Honduran nationals and enterprises organized under Honduran law.

The senior manager of the Honduran National Railroad must be a Honduran national by birth.

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**Sector:** Other Business Services: Warehousing

**Obligations Concerned:** Market Access (Article 11.4)

**Level of Government:** Central

**Measures:** *Acuerdo No. 1055, Reglamento de los Almacenes Generales de Depositos, Articulo 3*

**Description:** Cross-Border Services

Only enterprises organized under Honduran law with fixed capital and the sole purpose of providing warehousing services shall be authorized to provide such services.

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**Sector:** Business Administrators and Related Professions

**Obligations Concerned:** National Treatment (Article 11.2)  
Most-Favored-Nation Treatment (Article 11.3)  
Market Access (Article 11.4)

**Level of Government:** Central

**Measures:** *Ley Orgánica del Colegio de Administradores de Empresas de Honduras y su Reglamento*

**Description:** Cross-Border Services

Foreign nationals may enter into contracts to provide business administration consulting services after confirmation of the contract by the Association of Business Administrators of Honduras.

Enterprises organized under foreign law may enter into contracts to provide business administration consulting services after confirmation of the contract by the Association of Business Administrators of Honduras if such services are not otherwise available in Honduras or because of contractual needs. In order to provide such services, such enterprises must form a partnership with Honduran firms that are duly registered with the Association of Business Administrators of Honduras.

Foreign nationals and enterprises organized under foreign law must pay registration fees that are higher than those imposed on Honduran nationals and enterprises organized under Honduran law.

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**Sector:** Economic Consulting Services

**Obligations Concerned:** Local Presence (Article 11.5)

**Level of Government:** Central

**Measures:** Artículo 58 de la *Ley Orgánica del Colegio Hondureño de Economistas*

**Description:** Cross-Border Services

In order to provide economic consulting services into the territory of Honduras, economic consulting enterprises organized under foreign law must be represented by a member of the Honduran Association of Economists.

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<b>Sector:</b>	Agricultural Engineering and Agronomy
<b>Obligations Concerned:</b>	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Artículos 3 y 70, literal ch) y f) del Decreto No 148-95, Ley Orgánica del Colegio de Profesionales en Ciencias Agrícolas de Honduras</i>  <i>Artículos 7, 63 del Reglamento General de Colegios Profesionales en Ciencias Agrícolas de Honduras</i>
<b>Description:</b>	<u>Cross-Border Services</u>  Foreign agricultural engineers and agronomists may be subject to higher professional association registration fees than those imposed on Honduran agricultural engineers and agronomists.



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**Sector:** Forestry Engineers

**Obligations Concerned:** National Treatment (Article 11.2)  
Local Presence (Article 11.5)

**Level of Government:** Central

**Measures:** *Ley Orgánica del Colegio de Ingenieros Forestales de Honduras* artículos 7 inciso b) y c), 66 y 68

**Description:** Cross-Border Services

Forestry engineering consulting enterprises organized under foreign law must hire Honduran nationals that are members of the Association of Forestry Engineers of Honduras in a proportion meaningful to the size of the project.

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**Sector:** Veterinarians

**Obligations Concerned:** National Treatment (Article 11.2)  
Most-Favored-Nation Treatment (Article 11.3)

**Level of Government:** Central

**Measures:** *Ley Orgánica del Colegio de Médicos Veterinarios de Honduras y artículo 3 del Reglamento*

**Description:** Cross-Border Services

Foreign veterinarians may be subject to higher professional association fees than those imposed on Central American veterinarians.

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**Sector:** Microbiologists and Clinicians

**Obligations Concerned:** National Treatment (Article 11.2)

**Level of Government:** Central

**Measures:** *Reglamento del Colegio de Microbiólogos y Químicos Clínicos. Artículos 7 y 8*

**Description:** Cross-Border Services

Foreign microbiologists and clinicians must pay a higher registration fee than those paid by Honduran microbiologists and clinicians.

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**Sector:** Notaries

**Obligations Concerned:** National Treatment (Article 11.2)

**Level of Government:** Central

**Measures:** *Artículo 4 Ley del Notariado*

**Description:** Cross-Border Services  
Notaries must be Honduran nationals.

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**Sector:** Various

**Obligations Concerned:** Market Access (Article 11.4)

**Measures:** Certain Measures Existing and In Force on January 1, 2004

**Level of Government:** Central

**Description:** Cross-Border Services

Honduras reserves the right to maintain market access restrictions in accordance with the following paragraphs.

1. Sectors other than computer services, construction, energy services, professional services, land transport, audiovisual, telecommunications, express delivery, and sectors included in Honduras' schedule of specific commitments with respect to Article XVI of the GATS:

(a) Subject to subparagraphs (b) and (c), Honduras may list any measure existing and in force on January 1, 2004, unless another Party objects on the grounds that it has a substantial trade interest in the sector and that listing the measure would have a significant adverse effect on that interest.

(b) Where a Party objects in accordance with subparagraph (a), the Parties shall consult to determine whether the measure may be listed. Upon agreement, Honduras may list the measure.

(c) Honduras must identify measures by March 1, 2004.

2. Computer services, construction, energy services, professional services, and land transport sectors:

(a) Honduras has until January 5, 2004, to identify any non-conforming measures in the computer services, construction, energy services, professional services, and land transport sectors.

(b) The Parties shall consult with Honduras to reach final agreement by January 13, 2004, on whether each such measure may be listed. Upon agreement, Honduras may list the measure.

3. Audiovisual, telecommunications, express delivery, and sectors included in Honduras's schedule of specific commitments with respect to Article XVI of the GATS:

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- (a) Honduras may not list non-conforming measures in these sectors pursuant to this entry.

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**Sector:** Electrical Energy Services

**Obligations Concerned:** Market Access (Article 11.4)

**Level of Government:** Central

**Measures:** *Artículo 23 de la Ley Marco del Sub-sector eléctrico, Decreto No 158-94*

**Description:** Cross-Border Services

In order to be established in Honduras and supply electrical energy distribution services, an enterprise must be organized as a commercial corporation with nominative stock.

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<b>Sector:</b>	Professional Services
<b>Obligations Concerned:</b>	Market Access (Article 11.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Artículo 12 , numeral 1), Decreto No 90-99 Ley del Estatuto del personal profesional de enfermería de Honduras</i>  <i>Artículo 58 de la Ley Orgánica del Colegio de Economistas</i>  <i>Artículo 23 de la Ley Orgánica del Colegio de Profesionales Universitarios en Contaduría Pública, Decreto No 19-93</i>  <i>Artículo 12 de la Ley Orgánica del Colegio de Veterinarios de Honduras, Artículo 92, Ley de Simplificación Administrativa, Decreto No 255-2002 de fecha 10 de agosto del 2002 y Artículo 66 al 78 del Código de Comercio de Honduras</i>  <i>Artículo 40, Decreto No 902 Ley Orgánica del Colegio de Ingenieros Mecánicos, Electricistas y Químicos de Honduras</i>  <i>Artículo 7, Reglamento Intero Colegio de Arquitectos de Honduras</i>
<b>Description:</b>	<u>Cross-Border Services</u>  <u>Nurses</u>  No more than five percent of nurses in each medical facility may be foreign nationals.  <u>Economists</u>  Any persons that wish to establish in Honduras and supply professional services in the field of economics must be organized under Honduran law.  <u>Public Accountants</u>  Any persons that wish to establish in Honduras and supply public accountancy services must be organized under Honduran law.  <u>Veterinarians</u>  Enterprises that wish to establish in Honduras and supply veterinary services must be organized as corporations or limited partnerships.



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*Mechanical, Electrical, and Chemical Engineers*

Any persons that wish to establish in Honduras and supply services in the fields of mechanical, electrical, or chemical engineering must be organized under Honduran law.

*Architects*

Any persons that wish to establish in Honduras and supply services in the field of architecture must be organized under Honduran law.

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**Sector:** Land Transportation

**Obligations Concerned:** Market Access (Article 11.4)

**Level of Government:** Central

**Measures:** *Artículos 24, 27, 28, 35 y 45 de la Ley de transporte Decreto No 319*  
*Artículos, 1, 32, 33, 34, del Reglamento General de la Ley de Transporte terrestre, Acuerdo No 200*

**Description:** Cross-Border Services

Any persons that wish to establish in Honduras and supply remunerated public land transportation services must be organized under Honduran law. Such persons must also obtain a certificate of operation from the *Dirección General de Transporte de la Secretaría de Obras Públicas, Transporte y Vivienda (SOPTRAVI)* in order to supply remunerated public land transportation services, which is subject to an economic needs test.