

Annex I

SCHEDULE OF NICARAGUA

EXPLANATORY NOTES

1. The Schedule of Nicaragua to this Annex sets out, pursuant to Articles 9.13 (Non-Conforming Measures) and 10.6 (Non-Conforming Measures), Nicaragua's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Articles 9.3 (National Treatment) or 10.2 (National Treatment);
- (b) Articles 9.4 (Most-Favored-Nation Treatment) or 10.3 (Most-Favored-Nation Treatment);
- (c) Article 10.5 (Local Presence);
- (d) Article 9.9 (Performance Requirements);
- (e) Article 9.10 (Senior Management and Boards of Directors); or
- (f) Article 10.4 (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 9.13 (Non-Conforming Measures) and 10.6 (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** identify 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; and
- (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**.

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 9.13 (Non-Conforming Measures) and 10.6 (Non-Conforming Measures), the articles of this Agreement specified in the **Obligations Concerned** element of an entry shall 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 as a condition to the provision of a service in its territory, a Schedule entry for that measure taken with respect to Article 10.2 (National Treatment), 10.3 (Most-Favored-Nation Treatment), or 10.5 (Local Presence) shall operate as a Schedule entry with respect to Article 9.3 (National Treatment), 9.4 (Most-Favored-Nation Treatment), or 9.9 (Performance Requirements) to the extent of that measure.

6. For greater certainty, Article 10.4 (Market Access) refers to non-discriminatory measures.

1. Sector:	All Sectors
Subsector:	
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	The Commerce Code of the Republic of Nicaragua (<i>Código de Comercio de la República de Nicaragua</i>), published in <i>La Gaceta</i> No. 248, of October 30, 1916.
Description:	<u>Cross-Border Trade in Services</u> Companies formally constituted abroad, which are established in Nicaragua or have an agency or branch, shall maintain in the country a legal representative with a general power of attorney, registered in the corresponding Registry and domiciled in the country.

2. Sector:	Musicians and Artists
Subsector:	
Obligations Concerned:	Performance Requirements (Article 9.9) National Treatment (Article 10.2) Most-Favored-Nation Treatment (Article 10.3) Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p>Law No. 215, Law for the Promotion of National Artistic Expressions and Protection of Nicaraguan Artists (<i>Ley No. 215, Ley de Promoción a las Expresiones Artísticas Nacionales y de Protección a los Artistas Nicaragüenses</i>), published in <i>La Gaceta</i> No.134 of July 17, 1996.</p> <p>Law No. 723, Law of Cinematography and the Audiovisual Arts (<i>Ley 723, Ley de Cinematografía y de las Artes Audiovisuales</i>), published in <i>La Gaceta</i> No. 198 of October 18, 2010.</p> <p>Decree AN No. 7445, on the approval of the Latin-American Agreement on Cinematographic Co-production (Decreto AN No. 7445, <i>De aprobación del Acuerdo Latinoamericano de Coproducción Cinematográfica</i>), published in <i>La Gaceta</i> No. 60 of March 28, 2014.</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>Co-productions with Nicaraguan filmmakers must have at least 30 percent of artistic, technical and creative national staff; additionally, the production must have a Nicaraguan economic participation of not less than 10 percent.</p> <p>The foreign film productions made in Nicaragua must contract, for their production, at least 20 percent of technical, creative and artistic Nicaraguan personnel.</p> <p>If producers do not want to include the participation of national personnel, they will pay in cash 5 percent of the cost of the budget to be implemented in the country, to be destined to the National Film Promotion Fund.</p> <p>The foreign productions that enter temporarily to the country with purpose of making films must pay a filming duty to be destined to the National Film Promotion Fund.</p> <p>Any foreign natural or legal person that performs any type of audiovisual or film production in any format must be registered at the National Cinematheque of Nicaragua.</p>

	<p>Once the production is finished, a copy of it must be deposited in the Film Archive of the National Cinematheque of Nicaragua.</p> <p>Audiovisual advertising works carried out totally or partially outside of Nicaragua must apply to the National Cinematheque of Nicaragua for the respective authorization for its exhibition in the national territory. 20 percent of the advertising audiovisual works exhibited or transmitted in cinemas, television or cable television must be of national production.</p> <p>Every foreign artist or musical band may only present performances in Nicaragua through a prior contract or through government agreements.</p> <p>Foreign artists performing programs, shows or review of a commercial nature in Nicaragua shall include in their program a Nicaraguan artist or group that perform similar performances, which must be paid.</p> <p>If the foreign artists or artistic groups do not wish to include the participation of a national artist in their program, they must pay in cash one percent of the net income they obtain from the show to the Nicaraguan Institute of Culture unless the country of origin of foreign artists or groups does not impose a similar tax to Nicaraguan artists or artistic groups.</p> <p>The design and construction of public, pictorial and sculptural monuments erected in Nicaragua will be awarded through competition to national artists and when necessary, to foreigners associated with nationals artists.</p> <p>Foreigners selected for the design and construction of public, pictorial, or sculptural monuments erected in Nicaragua, shall do so in association with Nicaraguan artists.</p> <p>In the case of the co-production of cinematographic works that are carried out with national professionals or residents of the Member States of the Latin American Cinematographic Coproduction Agreement, the directors of such productions shall be national or residents of the Member States of this Agreement or co-producers from Latin America, the Caribbean or other Spanish-speaking or Portuguese-speaking countries.</p>
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3. Sector:	Tourism - Hotels, Restaurants, Tour Guides, Rent- a-Car and other activities related to tourism
Subsector:	
Obligations Concerned:	National Treatment (Articles 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 306, Tourism Industry Incentives Law of the Republic of Nicaragua and its reforms. (<i>Ley No. 306, Ley de Incentivos a la Industria Turística de la República de Nicaragua</i>), published in <i>La Gaceta</i> No. 117 of June 21, 1999 and its reforms.</p> <p>Regulation on the Companies and Tourist Activities of Nicaragua, (<i>Reglamento de Empresas y Actividades Turísticas de Nicaragua</i>), published in <i>La Gaceta</i> No. 99 of May 28, 2001.</p> <p>Regulation of Nicaraguan Travel Operators (<i>Reglamento de los Operadores de Viajes de Nicaragua</i>), published in <i>La Gaceta</i> No. 100 of May 29, 2001.</p> <p>Regulation that regulates the activity of Rent a Car and Aquatic Vehicles Companies (<i>Reglamento que regula la actividad de las empresas arrendadoras de Vehículos Automotrices y Acuáticos</i>) (Rent a Car), published in <i>La Gaceta</i> No. 108 of June 8, 2001.</p> <p>Regulation on Tourist Guides (<i>Reglamento de Guías de Turistas</i>), published in <i>La Gaceta</i> No. 40 of February 26, 2001.</p> <p>Regulation on Travel Agencies of Nicaragua (<i>Reglamento de Agencias de Viajes de Nicaragua</i>), published in <i>La Gaceta</i> No. 96 of May 21, 2001.</p>

<p>Description:</p>	<p><u>Cross-Border Trade in Services</u></p> <p>To provide tourism services in Nicaragua, a company must be organized under the laws of Nicaragua; and a foreign national must reside in Nicaragua or appoint a legal representative in Nicaragua.</p> <p>This paragraph does not apply to the provision of tourism services during a cruise.</p> <p>Any person who avails oneself of the Law of Incentives of the Tourism Industry will be required to hire Nicaraguan personnel, with the exception of experts and specialized technicians, with prior authorization from the Ministry of Labor. They will also be required to provide specialized and ongoing training to Nicaraguan citizens according to the demands of tourism sector.</p> <p>Only Nicaraguans can be tour guides.</p>
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4. Sector:	Gambling and Betting Services
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 766, Text of Law No. 776, "Special Law for the Control and Regulation of Casinos and Gaming Rooms", with its Incorporated Reforms (<i>Ley No. 766, Texto de la Ley No. 776, "Ley Especial para el Control y Regulación de Casinos y Salas de Juegos de Azar", con sus Reformas Incorporadas</i>), published in <i>La Gaceta</i> No. 238 of December 16, 2014.</p> <p>Decree No. 06-2015, Regulation to the Law No. 766, Special Law for the control and regulation of Casinos and Gambling Rooms (<i>Decreto 06-2015, Reglamento de la Ley "766 Ley Especial para el control y regulación de Casinos y Salas de Juegos de Azar"</i>), published in <i>La Gaceta</i> No. 47 of March 10, 2015.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The casinos and gambling rooms will be authorized if they are within the categories established by law.</p> <p>Every betting game operating in Nicaragua should take place in a Casino and/or gambling room, except those that by law are expressly governed under other specific legal regime. When it is uncertain which legal regime should be applied to a gamble game, the competent authority indicated in this law shall determine if it qualifies as a game under the scope of this law.</p> <p>The operation of casinos and gambling rooms is a permitted activity but not promoted by the State, therefore, it is considered justified that the State may establish measures to prevent or contain the unjustified proliferation of casinos and gambling rooms or the inadequate oversight thereof, being able to establish objective and reasonable measures governing the exercise of enterprise freedom in this sector in order to guarantee public order, public security and the protection of vulnerable groups.</p> <p>To obtain the operating permit, the applicant must first obtain the Title-License of Operation as a Casino or Gambling Rooms from the competent authority. If the applicant is a legal person, it shall present a copy of the deed of social constitution duly authenticated by a public notary as the witness and duly registered in the Public</p>

	<p>Mercantile Registry (<i>Registro Público Mercantil</i>), including amendments if necessary.</p> <p>Once the requirements for the application of the title-license for the operation of Casinos and gambling rooms have been fulfilled and prior to the issuance of such document, the applicant must present a guarantee bond issued by a financial institution which is regulated by the <i>Superintendence of Banks and Other Financial Institutions (Superindendencia de Bancos y Otras Instituciones Financieras)</i> in favor of the competent authority.</p> <p>Persons who have been shareholders, partners, directors or managers of a company sanctioned with partial or total closure or cancellation of the Title-License operating or Operating Permit of the Casino and/or Gambling Rooms won't be able to participate as a shareholder, partner, director, manager, representative or employee of a natural or legal person who holds a Title-License of operating a Casino and/or Gambling Rooms.</p> <p>It is expressly forbidden to participate directly or indirectly, as a player or bettor in any type of games and bets played in the Casinos and Gambling Rooms, for those who are shareholders, partners, directors, managers, agents or employees of enterprise, or company to which the Casino or Gambling Room belongs.</p> <p>It is strictly prohibited to import, operate or develop any commercial actions with prohibited games throughout the national territory. These games cannot be imported, manufactured, marketed or operated in any modality and under any circumstances. The competent authority by means of a reasoned decision will determine the types of prohibited games. It is also prohibited to operate or develop any commercial action with gambling listed in the Games Catalog, if the operator does not have the corresponding Title-License and the establishment where the Casino or Gambling Room operates, does not have the respective Operating Permit.</p> <p>The establishment and operation of casinos and gambling rooms within four hundred meters of schools, churches, hospitals, government offices, barracks, cemeteries, road camps, theaters, markets and sports centers is prohibited.</p>
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5. Sector:	Business Services (related to the sale of alcoholic beverages)
Subsector:	
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>The Commerce Code of the Republic of Nicaragua (<i>Código de Comercio de la República de Nicaragua</i>), published in <i>La Gaceta</i> No. 248 of October 30, 1916.</p> <p>Law No. 306, Tourism Industry Incentives Law of the Republic of Nicaragua and its reforms (<i>Ley No. 306, Ley de Incentivos para la Industria Turística de la República de Nicaragua y sus reformas</i>), published in <i>La Gaceta</i> No. 168 of September 02, 1999.</p> <p>Decree 26-96, Regulation of the Law of the National Police (<i>Decreto 26-96, Reglamento de la Ley de la Policía Nacional</i>), published in <i>La Gaceta</i> No.32 of February 14, 1997.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A license is required for the operation of casinos, nightclubs (Night club), discotheques, cockerel and all kinds of gambling allowed.</p> <p>Foreign citizens who sell alcoholic beverages through hotel services and similar accommodation; food and drinks supply, and entertainment centers such as discotheques, cockerel and all kinds of gambling allowed, bars, pubs, and billiards; must have duly updated certificate of residence.</p> <p>Legal entities must be duly registered in the corresponding register and appoint a legal representative domiciled in the country.</p>

6. Sector:	Services Related to Construction
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	Decree No. 327, Law Regulating the Design and Construction Activity (Decreto No. 237, <i>Ley Reguladora de la Actividad de Diseño y Construcción</i>), published in <i>La Gaceta</i> No. 263 of December 1, 1986.
Description:	<u>Cross-Border Trade in Services</u> In order to supply construction services in Nicaragua an enterprise must be organized under Nicaraguan law; and a foreign national must reside in Nicaragua or appoint a legal representative in Nicaragua.

7. Sector:	Manufacture and distribution of fireworks Distribution of firearms and ammunition
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 510, Special Law for the Control and Regulation of Firearms, Ammunition, Explosives, and Other Related Materials, and its reforms (Ley No. 510, <i>Ley Especial para el Control y Regulación de Armas de Fuego, Municiones, Explosivos, y otros Materiales Relacionados</i>), published in <i>La Gaceta</i> No. 40 of February 25, 2005 and its reforms.</p> <p>Decree 26-96, Regulation of the Law of the National Police (Decreto 26-96, <i>Reglamento de la ley de la Policía Nacional</i>), published in <i>La Gaceta</i> No. 32, of February 14, 1996 and its reforms.</p> <p>Decree No. 28-2005 Regulation of the Special Law for the Control and Regulation of Firearms, Ammunition, Explosives, and Other Related Materials, Law No. 510 (Decreto No. 26-96 <i>Reglamento a la Ley No. 510, Ley Especial para el Control y Regulación de Armas de Fuego, Municiones, Explosivos, y otros Materiales Relacionados</i>), published in <i>La Gaceta</i> No. 78 of April 22, 2005 and its reforms.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>To manufacture and commercialize fireworks, and distribute firearms and ammunitions in Nicaragua, a foreign enterprise must be organized in accordance with the laws of Nicaragua; and a foreign national must reside in Nicaragua.</p>

8. Sector:	Private Security Services
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 903, Private Security Services Law (Ley No. 903, <i>Ley de Servicios de Seguridad Privada</i>), published in <i>La Gaceta</i> No. 141 of July 29, 2015.</p> <p>Resolution DGTA No. 026 - 2013, Enabling and Accreditation of Surveillance Companies and Port Security Guards Personnel (Resolución DGTA 026 – 2013, <i>Habilitación y Acreditación de Empresas de Vigilancia y Personal Guardas de Seguridad Portuaria</i>), published in <i>La Gaceta</i> No. 89 of May 16, 2014.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A company must be established in Nicaragua, in accordance with the laws of the country, to operate as company of private security guards.</p> <p>The personnel working for private security companies must be Nicaraguans or foreigners who have their updated residence or work permit issued by the competent authorities. Natural persons serving as armed guards must be of Nicaraguan nationality.</p> <p>Only the personnel registered with the Water Transport General Directorate of the Ministry of Transport and Infrastructure (<i>Dirección General de Transporte Acuático del Ministerio de Transporte e Infraestructura</i>), may carry out protection works within ports.</p>

9. Sector:	Radio Broadcast, Free Television Reception
Subsector:	
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2)
Level of Government:	Central
Measures:	<p>Law No. 200, General Law of Telecommunications and Postal Services and its reforms (Ley No. 200, <i>Ley General de Telecomunicaciones y Servicios Postales y sus reformas</i>), published in <i>La Gaceta</i> No. 154 of August 18, 1995 and its reforms.</p> <p>Administrative Agreement No. 07-97, Regulation of the Television Broadcasting Services (Acuerdo Administrativo No. 07-97 <i>Reglamento del Servicio de Radiodifusión Televisiva</i>), published in <i>La Gaceta</i> No. 228 of November 28, 1997.</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>A license for operating as social communication media (free over the air television and radio broadcasting services AM and FM) shall only be granted to Nicaraguan natural or legal persons. In the case of enterprises, Nicaraguan nationals must own 51 percent of the capital whose shares will be nominative.</p>

10. Sector:	Communications – Professional Radio and Television Broadcast Services
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Most-Favored-Nation Treatment (Article 10.3)
Level of Government:	Central
Measures:	Decree No. 66, In broadcasters and televisions of the country, only Nicaraguan announcers can be used for narrations of sports programs (Decreto No. 66, <i>En radiodifusoras y televisiones del país, únicamente locutores nicaragüenses podrán ser utilizados para las narraciones de programas deportivos</i>), published in <i>La Gaceta</i> No. 256, November 10, 1972.
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Enterprises that supply radio and television broadcast services in Nicaragua shall only use the professional services of Nicaraguan announcers for the narration, commentaries, and live transmission or retransmission of sports or similar commercial programs.</p> <p>Notwithstanding the foregoing, foreign nationals will be allowed to serve as announcers if the laws of their own countries allow Nicaraguan nationals to supply such services.</p> <p>The provisions of this measure shall not apply to the broadcast of programs by foreign announcers when the transmission of such programs is aimed exclusively to other countries.</p>

11. Sector:	Communications - Services and Public Telecommunications Networks
Subsector:	
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	Decree No. 19-96, Regulation of Law No. 200, General Law of Telecommunications and Postal Services (Decreto No. 19-96 <i>Reglamento de la Ley No. 200 Ley General de Telecomunicaciones y Servicios Postales</i>), published in <i>La Gaceta</i> No. 177, of September 19, 1996 and its reforms.
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A license is required by the regulatory entity of telecommunications, the Nicaraguan Institute of Telecommunications and Postal Services (<i>Instituto Nicaraguense de Telecomunicaciones y Servicios Postales</i>) (TELCOR), to provide telecommunications services marketing. In order to obtain this license, legal persons must be incorporated under Nicaraguan law, and foreign persons must have a valid residence permit and a legal address in the country.</p>

12. Sector:	Communications
Subsector:	
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 200, General Law of Telecommunications and Postal Services (<i>Ley No. 200, Ley General de Telecomunicaciones y Servicios Postales</i>), published in <i>La Gaceta</i> No. 154 of August 18, 1995.</p> <p>Decree No. 19-96, Regulation of Law No. 200, General Law of Telecommunications and Postal Services (Decreto No. 19-96, <i>Reglamento de la Ley No. 200, Ley General de Telecomunicaciones y Servicios Postales</i>), published in <i>La Gaceta</i> 177 of September 19th, 1996.</p> <p>The Commerce Code of the Republic of Nicaragua (<i>Código de Comercio de la República de Nicaragua</i>), published in <i>La Gaceta</i> No. 248 of October 30, 1916.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>For the provision of telecommunications and postal services, or for the use of the radio electric spectrum or other means of transmission, it is required qualifying documents (concessions, licenses, registrations or permits) granted by the Nicaraguan Institute of Telecommunications and Postal Services (<i>Instituto Nicaraguense de Telecomunicaciones y Servicios Postales - TELCOR</i>), which will be issued only to natural or legal Nicaraguans or foreign persons who have legal representation in the country and are registered in the corresponding Register, to be submitted to the jurisdiction of the courts of the Republic of Nicaragua and to be subject to all the provisions of the law, regulations, rules, resolutions and administrative arrangements applicable to the telecommunications and postal services sector.</p> <p>Interconnection contracts or any other contracts in telecommunications area, which companies are seeking to subscribe with foreign governments, must be processed through TELCOR, the regulating entity.</p>

13. Sector:	Communications - Public Telecommunications Networks
Subsector:	
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 200, General Law of Telecommunications and Postal Services (Ley No. 200, <i>Ley General de Telecomunicaciones y Servicios Postales</i>), published in <i>La Gaceta</i> No. 154 of August 18, 1995 and its reforms.</p> <p>Administrative Agreement No. 06-97, Regulation of the Subscription Television Services (Acuerdo Administrativo No. 06-97, <i>Reglamento del Servicios de Televisión por Suscripción</i>), published in <i>La Gaceta</i> No. 205 of October 28, 1997.</p> <p>Administrative Agreement No. 02-97, Regulation of the Satellite Communication Services (Acuerdo Administrativo 02-97: <i>Reglamento de los Servicios de Comunicaciones por satélite</i>), published in <i>La Gaceta</i> No. 74 of April 22, 1997.</p> <p>Decree No. 32-2012, Reforms and Additions to Decree No. 128-2004, General Regulation of the Organic Law of TELCOR (Decreto No. 32-2012, <i>Reformas y Adiciones al Decreto No. 128-2004, Reglamento General de la Ley Orgánica de TELCOR</i>), published in <i>La Gaceta</i> 188 of October 3, 2012.</p>

<p>Description:</p>	<p><u>Cross-Border Trade in Services</u></p> <p>A license granted by the Nicaraguan Institute of Telecommunications and Postal Services (<i>Instituto Nicaraguense de Telecomunicaciones y Servicios Postales</i> – TELCOR), Regulator Entity, is required to install, operate or use a Public Telecommunications Network for the provision of services regarding the subscription television services.</p> <p>Companies that sell directly satellite radio and television signal and the companies that offer satellite carrier services must sign signal landing agreements with TELCOR.</p> <p>It is required to have a license granted by TELCOR to market satellite communications services and exploit the rights of emission and reception of signals and frequency bands associated with satellite systems that cover and can provide services in the Nicaraguan territory.</p> <p>A permit granted by TELCOR is required for the establishment of facilities that require assignment of radio electric frequencies and that have not been specifically authorized in the concessions and licenses, as well as those of the operators of private networks.</p> <p>The right of use and exploitation of satellite orbits and radio-electric frequency spectrum allocated and/or awarded to satellite radio services is granted by the Concession Agreement.</p> <p>The management and coordination of satellite orbits and its radio electric frequency spectrum, with the International Telecommunication Union (ITU) and with agencies and public and/or private institutions concerned, are exclusive competencies of TELCOR.</p>
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14. Sector:	Communications - Services and Public Telecommunications Networks (including telephony)
Subsector:	
Obligations Concerned:	Most-Favored-Nation Treatment (Article 10.3) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Political Constitution of the Republic of Nicaragua, and its reforms (<i>Constitución Política de la República de Nicaragua y sus reformas</i>), published in <i>La Gaceta</i> No. 32 of February 18, 2014.</p> <p>Law No. 200, General Law of Telecommunications and Postal Services (<i>Ley No. 200, Ley General de Telecomunicaciones y Servicios Postales</i>), published in <i>La Gaceta</i> No. 154 of August 18, 1995 and its reforms.</p> <p>Decree No. 19-96, Regulation of Law No. 200, General Law of Telecommunications and Postal Services (<i>Decreto No. 19-96, Reglamento de la Ley No. 200, Ley General de Telecomunicaciones y Servicios Postales</i>), published in <i>La Gaceta</i> No. 177 of September 19, 1996 and its reforms.</p> <p>Administrative Agreement No. 001-2004, Regulation for the Elaboration and/or Modification of the National Plans for Routing, Availability and Security of Traffic of Services and Telecommunications Networks (<i>Acuerdo Administrativo No. 001-2004, Reglamento para la Elaboración y/o Modificación de los Planes Nacionales de Encaminamiento, Disponibilidad y Seguridad del Tráfico de los Servicios y Redes de Telecomunicaciones</i>), published in <i>La Gaceta</i> No. 20 of January 29, 2004 and its reforms.</p> <p>Administrative Agreement No. 20-99, General Regulation of Interconnection and Access (<i>Acuerdo Administrativo 20-99, Reglamento General de Interconexión y Acceso</i>), published in <i>La Gaceta</i> No. 146 of August 2, 1999.</p> <p>Administrative Agreement No. 02-97, Regulation of the Satellite Communication Services (<i>Acuerdo Administrativo 02-97, Reglamento de los Servicios de Comunicaciones por Satélite</i>), published in <i>La Gaceta</i> No. 74 of April 22, 1997.</p>

<p>Description:</p>	<p><u>Cross-Border Trade in Services</u></p> <p>The telecommunications services covered in this reservation, whether or not they are provided to the public, involve the real time of transmission of the information provided to the user between two or more points without change from point to point in the form or on the content of information of the user. An enabling title granted by the Nicaraguan Institute of Telecommunications and Postal Services (<i>Instituto Nicaraguense de Telecomunicaciones y Servicios Postales</i> – TELCOR) is required for:</p> <ol style="list-style-type: none"> a. installing radio infrastructure and using, taking advantage of or exploiting a band of frequencies in the national territory, except for the operation of industrial, scientific and medical equipment in unintentional or intentional radiators with power of less than fifty milliwatts or according to other rules of TELCOR; b. providing services operating or exploiting public telecommunications networks or marketing services of authorized network operators; c. operating satellites that can cover and provide services in the national territory and commercializing satellite communications services; and d. exploiting the rights of emission and reception of signals of frequency bands associated with foreign satellite systems that can cover and provide services in the national territory. <p>The operators of private networks that seek to commercially exploit the services must obtain a qualification awarded by TELCOR, in which case their networks shall take the character of public telecommunications network. The private network operators will be required an authorization certificate if in the opinion of TELCOR it is necessary to monitor the compliance with restrictions on interconnection of certain services which use private networks.</p> <p>To obtain a qualification certificate, natural and legal persons must comply with the requirements set forth in Law No. 200. Foreign natural persons must possess identification of residence and legal address in the country and foreign legal persons must comply with the provisions of the Code of Commerce of the Republic of Nicaragua.</p> <p>The public telecommunications networks include the public telecommunications infrastructure which allows telecommunications</p>
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	<p>between defined network termination points. The public telecommunications networks do not include the telecommunications equipment of users, nor telecommunications networks located beyond the completion point of the network.</p> <p>The authorization of certificates for frequency bands for the cellular telephone service will be granted by TELCOR through public tender process. TELCOR will conduct public tenders for licenses for the allocation of radio-electric spectrum when the number of requests for a specific market segment of spectrum exceeds the availability of radio frequencies that are required to meet all the requests.</p> <p>When in foreign countries there are no competitive conditions for the provision of international services, TELCOR may establish requirements of proportionality, interconnection points and non-discrimination for the reception of incoming traffic from the different operators. Authorized Operators shall submit and maintain updated for TELCOR the records of each node or switching center belonging to the operators with which they establish contract(s) to provide transport for international long-distance (ILD) call services. In order to maintain registered and updated international routing paths, operators providing international long distance (ILD) call services that establish interconnection agreements with foreign operators shall notify and submit to TELCOR a copy of the interconnection contract signed between the parties.</p>
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15. Sector:	Electricity Distribution
Subsector:	
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 839, Law of Reforms and Additions to Law No. 272, "Electricity Industry Law", Law No. 554, "Energy Stability Law", Reforms to Law No. 661, "Law for the Distribution and Responsible Use of Electricity Service" and to Law No. 641, "Criminal Code" (Ley No. 839, <i>Ley de Reformas y Adiciones a la Ley No. 272, "Ley de la Industria Eléctrica"</i>, a la Ley No. 554, "<i>Ley de Estabilidad Energética</i>", de Reformas a la Ley No. 661, "<i>Ley para la distribución y el uso responsable del servicio público de energía eléctrica</i>" y a la Ley No. 641, "<i>Código Penal</i>"), published in <i>La Gaceta</i> No. 113 of June 19, 2013.</p> <p>Law No. 272, Electricity Industry Law (Ley No. 272 <i>Ley de la Industria Eléctrica</i>), published in <i>La Gaceta</i> No.74 of April 23, 1998 and its reforms.</p> <p>Legal Digest of the Energy Sector, 2011 (<i>Digesto Jurídico del Sector Energético</i> 2011), published in <i>La Gaceta</i> No. 176 of September 17, 2012.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>To participate in the distribution of electricity, a company must be organized under the laws of Nicaragua.</p> <p>Power distributors will not be able to generate and/or transmit power, except for the following cases:</p> <ol style="list-style-type: none"> 1. in case of distribution services provided to isolated system; or 2. if self-generation capacity is lower or equal to 10,000 kW, being connected to the National Interconnected System (SIN).

16. Sector:	Electric Power- Power Generation from Hydropower Projects over 30 MW
Subsector:	
Obligations Concerned:	Senior Management and Boards of Directors (Article 9.10) Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p>Law No. 620, General Law of National Waters (<i>Ley No. 620, Ley General de Aguas Nacionales</i>), published in <i>La Gaceta</i> No. 150 and No. 151 of August 9 and 10, 2010.</p> <p>Decree No. 44-2010, Regulation of Law No. 620, General Law of National Waters, (<i>Decreto 44-2010, Reglamento a la Ley No. 620, Ley General de Aguas Nacionales</i>), published in <i>La Gaceta</i> No. 150 of August 9, 2010.</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>Hydroelectric plants with installed capacity over 30 MW or with reservoir at its maximum operating level with an area over 25 square kilometers require a Special and Specific Law for each project.</p>

17. Sector:	Energy – Geothermal Energy Generation
Subsector:	
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Performance Requirements (Article 9.9) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	Political Constitution of the Republic of Nicaragua, and its reforms (<i>Constitución Política de la República de Nicaragua y sus reformas</i>), published in <i>La Gaceta</i> 32 of February 18, 2014. Law No. 443, Law of Geothermal Resource Exploration and Exploitation and its reforms (Ley No. 443, <i>Ley de Exploración y Explotación de Recursos Geotérmicos y sus reformas</i>), published in <i>La Gaceta</i> No.222 of November 21, 2002.
Description:	<u>Investment and Cross-Border Trade in Services</u> Natural or legal person may perform preliminary research on exploration or exploitation of geothermal resources with participation of ENEL (“Empresa Nicaragüense de Electricidad” – Nicaraguan Electricity Company) after the authorization of MEM (“Ministerio de Energía y Minas”- the Ministry of Energy and Mines). The participation of ENEL in the exploration and exploitation of geothermal resources, designated as national heritages in accordance with the Constitution of the Republic of Nicaragua, entails obtaining at no cost, at least ten percent of the shareholding of the requesting company.

18. Sector:	Services Incidental to Mining – Hydrocarbons
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Political Constitution of the Republic of Nicaragua, and its reforms (<i>Constitución Política de la República de Nicaragua y sus reformas</i>), published in <i>La Gaceta</i> 32 of February 18, 2014.</p> <p>Law No. 286, Special Law for Exploration and Exploitation of Hydrocarbons (Ley No. 286, <i>Ley Especial de Exploración y Explotación de Hidrocarburos</i>), published in <i>La Gaceta</i> No. 109 of June 12, 1998 and its reforms.</p> <p>Law No. 883, Organic Law of the Nicaragua Oil Company (PETRONIC), with its reforms incorporated (Ley No. 883, <i>Ley Orgánica de la Empresa Nicaragüense de Petróleos (PETRONIC), con sus reformas incorporadas</i>), published in <i>La Gaceta</i> No. 239 of December 17, 2014.</p> <p>Decree No. 43-98, Regulation to the Special Law for Exploration and Exploitation of Hydrocarbons (Decreto No. 43-98, <i>Reglamento a la Ley Especial de Exploración y Explotación de Hidrocarburos</i>), published in <i>La Gaceta</i> No. 117 of June 24, 1998 and its reforms and additions.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A hydrocarbons exploration and analysis service providing company shall be organized under the laws of Nicaragua. In addition, the company shall appoint and maintain a legal representative with enough power of attorney to make the company fulfill its obligations and with a permanent address in Nicaragua.</p> <p>Foreigners wishing to undertake research studies of hydrocarbons, such as geological, geophysical, topographic mapping, seismic work or geochemical studies, shall appoint a legal representative with a permanent address in Nicaragua.</p> <p>The Contractor shall give preference to national subcontractors to carry out specialized services, as long as national subcontractors are available at the moment the work is required, at competitive cost, and</p>

	<p>have the technical capacity, equipment and expertise to perform the work according to the contractor's requirements.</p> <p>Provided that they are not available in the country or when the existing ones do not meet the technical specifications of quality, cost and timeliness, the contractor and sub-contractor may purchase goods, materials and equipment and hire services abroad.</p> <p>The hydrocarbon deposits in its natural state are part of the national heritage. Its domain is the responsibility of the State, wherever it is located in the territory of the Republic. The State represented by the Nicaraguan Oil Company (<i>Empresa Nicaragüense de Petróleos - PETRONIC</i>), will participate in the activities provided for in Law No 879, without cost nor risk.</p> <p>In the activities of surface survey, exploration and exploitation of hydrocarbons produced in the country, as well as the transport, storage and marketing, PETRONIC, as the executing agency, shall participate in any petition linked to the development, exploration and exploitation of hydrocarbons resources which are regulated under the law. For this purpose, natural or legal persons submitting a request shall first conclude the agreements on the participation of PETRONIC, in their applications to the Ministry of Energy and Mines (<i>Ministerio de Energía y Minas - MEM</i>), endorsing the models of cooperation and/or alliance with companies interested in obtaining permits or concluding contracts under Law No.286.</p> <p>The State, represented by PETRONIC, does not assume risk, debt, or liability of any kind. These shall be assumed by the contractor, in accordance with the terms and conditions established in article 25 of Law No.286.</p> <p>The participation of PETRONIC in the activities of surface survey, exploration and exploitation of hydrocarbons produced in the country, as well as their transport, storage and marketing, entitles PETRONIC to a position on the Contractor's Board of Directors.</p> <p>Those interested in obtaining a permit, shall submit to the Directorate General of hydrocarbons of MEM, the instrument stating the participation of PETRONIC.</p>
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	<p>Upon the termination of the contract, the contractor shall return property delivered by the State represented by PETRONIC at no cost, such as land and permanent works and installations.</p> <p>PETRONIC will aim to carry out exploration, exploitation and commercialization of hydrocarbons and other related activities. In consequence, it can participate in the constitution and creation of companies and/or alliances that invest in exploration, exploitation, marketing, storage, transport and distribution of hydrocarbons, including the LPG, refining of crude oil, construction and/or operation of filling plants or packing of LPG cylinders. The companies could be national, regional or international, public, private or mixed, and could associate and/or create alliances with existing ones for these same purposes, in accordance with the relevant laws.</p>
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19. Sector:	Services Incidental to Mining – Metallic and Non-Metallic Minerals, Electricity and Water
Subsector:	
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Decree No. 57-2006, Reforms and Additions to the Decree No. 119-2001, Regulation of the Law No. 387, Special Law on Exploration and Exploitation of Mines (Decreto No. 57-2006, <i>Reformas y Adiciones al Decreto No. 119-2001, Reglamento de la Ley No. 387, Ley Especial sobre Exploración y Explotación de Minas</i>), published in <i>La Gaceta</i> No. 170 of August 31, 2006.</p> <p>Decree No. 119-2001, Regulation of the Law No. 387, Special Law on Exploration and Exploitation of Mines (Decreto No. 119 –2001, <i>Reglamento de la Ley No. 387, Ley Especial de Exploración y Explotación de Minas</i>), published in <i>La Gaceta</i> No. 4 of January 7, 2002.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The foreign companies, and natural and legal persons not resident in the country, must appoint a legal representative with sufficient authority to acquire rights and contract obligations on behalf of his client, and to enroll the companies in the appropriate register and to have them established, so that they can be granted a mining concession for phases of exploration and exploitation of the resource.</p>

20. Sector:	Fisheries and Aquaculture
Subsector:	
Obligations Concerned:	National Treatment (Article 9.3) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10)
Level of Government:	Central
Measures:	<p>Law No. 489, Law relating to Fisheries and Aquaculture, (Ley No. 489, <i>Ley de Pesca y Acuicultura</i>), published in <i>La Gaceta</i> No. 251 of December 27, 2004 and its reforms.</p> <p>Decree No. 30-2008, Reforms to Decree No. 09-2005, Regulation to Law No. 489, Law relating to Fisheries and Aquaculture (Decreto No. 30-2008, <i>Reforma al Decreto No. 09-2005, Reglamento a la Ley No. 489, Ley de Pesca y Acuicultura</i>), published in <i>La Gaceta</i> No. 130 of July 9, 2008.</p> <p>Decree No. 009-2005 Regulation to Law No. 489, relating to Fisheries and Aquaculture (Decreto No. 009-2005, <i>Reglamento a la Ley No. 489, Ley de Pesca y Acuicultura</i>), published in <i>La Gaceta</i> No. 40 of February 25, 2005.</p> <p>Decree No. 40-2005, Special Provisions for fishing of highly migratory tuna and related species (Decreto No. 40-2005, <i>Disposiciones Especiales para la pesca de Túnidos y especies afines altamente migratorias</i>), published in <i>La Gaceta</i> No. 117 of June 17, 2005.</p> <p>NTON 03-045-03, Nicaraguan Obligatory Technical Standard on Methods and Arts of Fishery and its Annexes (NTON 03-045-03, <i>Norma Técnica Obligatoria Nicaragüense Métodos y Artes de Pesca y sus Anexos</i>), published in <i>La Gaceta</i> No. 231 and 236 of December 2 and 10, 2010.</p> <p>Ministerial Agreement No. 014 -2001, Administrative Provisions for the Processing of Requests for Obtaining Rights for the Use of Natural Resources in the State Domain (Acuerdo Ministerial No. 014 – 2001, <i>Disposiciones Administrativas para la Tramitación de Solicitudes de Obtención de Derechos para el Aprovechamiento de Recursos Naturales del Dominio del Estado</i>), published in <i>La Gaceta</i> No. 98 of May 25, 2001.</p> <p>Executive Agreement-PA-No.005/2013 (Acuerdo Ejecutivo-PA-No.005/2013), published in <i>La Gaceta</i> No. 81 of May 6, 2013).</p>

	<p>Executive Resolution PA-No.006-2014, Measures and mechanisms of fisheries management for the collection and mobile marketing of hydrobiological resources (Resolución Ejecutiva PA-No.006-2014, Medidas y mecanismos de ordenación pesquera para el acopio y comercialización móvil de recursos hidrobiológicos), published in <i>La Gaceta</i> No. 123 of July 3, 2014.</p>
<p>Description:</p>	<p><u>Investment</u></p> <p>In order to obtain a commercial fishing license, it is required to be constituted as a Nicaraguan legal person and to be duly registered in the Public Mercantile Registry (<i>Registro Público Mercantil</i>) as well as to appoint a legal representative with permanent residency in Nicaragua and a known address.</p> <p>The use of fishery resources by vessels with a foreign flag shall be supplementary to that carried out by the national fleet and will be subject to the regulations established in the relevant law and to the conditions and limitations established in international agreements and treaties ratified by Nicaragua.</p> <p>Artisanal or small scale fishing is reserved exclusively for nationals of Nicaragua.</p> <p>All fishery and aquaculture production for export purposes must be processed in plants duly authorized and installed in the national territory, in compliance with the specific regulations and provisions to each hydro biological resource.</p> <p>The 90 percent of on board personnel and 100 percent of ships captains must be Nicaraguans.</p> <p>No licenses or fishing permits will be granted to foreign flag vessels for fisheries subject to limited access regime, except those which have been granted on the date of entry into force of the Law 489. Resources declared in full exploitation under the regime of limited access are: the resource spiny lobster in the Caribbean Sea and the coastal shrimp resource of the family Peneidos in the Caribbean Sea and the Pacific Ocean and those that the Nicaraguan Institute of Fishery (INPESCA) subsequently declares.</p> <p>The special license for fishing of tunas and highly migratory tuna-like species may be granted to national flag vessels or foreign flag vessels that have been chartered or leased with or without option to purchase</p>

	<p>wherein Nicaraguan natural or legal persons participate; or to national companies with foreign participation.</p> <p>Foreign flag vessels may only be authorized by the competent authority to perform scientific and sport fishing or commercial fishing of open-access resources. But, in no case, they may be authorized to perform commercial fishing of limited access resources, without prejudice to the licenses already granted.</p> <p>For the gradual recruitment of Nicaraguan personnel, National Labor Law will be applied, in ships or vessels wherein the majority of crew members are foreigners, because the personnel replacement is in process. In such case, the license holder shall carry out capacity building or training program for the (newly hired) Nicaraguan personnel.</p>
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21. Sector:	All Sectors
Subsector:	Consumer, credit unions, agriculture, production, labor, housing, fisheries, public services, culture, education, and youth cooperatives and other sorts of cooperatives for the benefit of the population.
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 499 General Law on Cooperatives (<i>Ley No. 499 Ley General de Cooperativas</i>), published in <i>La Gaceta</i> No. 17 of January 25, 2005.</p> <p>Law No. 84, Law of Farming and Agroindustrial Cooperatives, (<i>Ley No. 84, Ley de Cooperativas Agropecuarias y Agroindustriales</i>), published in <i>La Gaceta</i> No. 62 of March 28, 1990.</p> <p>Decree No. 16-2005, Regulation of Law No. 499, General Law on Cooperatives, (<i>Decreto No. 16-2005 Reglamento de la Ley No. 499, Ley General de Cooperativas</i>), published in <i>La Gaceta</i> No. 55 of March 18, 2005.</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The proportion of foreign national partners may not exceed 10 percent of the total, at the moment of the establishment of a Cooperative in Nicaragua.</p> <p>Foreign nationals shall be authorized by the migration authorities as residents in the country in order to become members of a cooperative of Nicaragua.</p> <p>The proportion of foreign national partners may not exceed 25% of the total, at the moment of establishment of a Nicaraguan Farming Cooperative and those foreign nationals shall be duly authorized.</p>

22. Sector:	Land Transportation
Subsector:	
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favored-Nation Treatment (Articles 9.4 and 10.3) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	Law No. 524, General Law of Land Transportation (<i>Ley No. 524, Ley General de Transporte Terrestre</i>), published in <i>La Gaceta</i> No. 72 of April 14, 2005 and its reforms. Decree No. 42-2005, Regulation of Law No. 524, General Law of Land Transportation (<i>Decreto No. 42-2005, Reglamento a la Ley No. 524, Ley General de Transporte Terrestre</i>), published in <i>La Gaceta</i> No. 113 of June 16, 2005, its reforms and additions.
Description:	<u>Investment and Cross-Border Trade in Services</u> The transfer of any type of cargo within the national territory shall be carried out only by Nicaraguan carriers. The Ministry of Transport and Infrastructure (<i>Ministerio de Transporte e Infraestructura, MTI</i>) may authorize exceptionally and temporarily the provision of this service for specialized cargo to vehicles with foreign plate, provided that the company owner of the cargo is based in Nicaragua and preserving the principle of reciprocity. Foreign companies of international cargo to be established in the country must comply with the following special requirements: 1. at least 51 percent of its capital belongs to Nicaraguan people. 2. the control and management of the company are in the hands of Nicaraguans. The local cargo may only be carried out by national carriers, with the State of Nicaragua and its authorities reserving the right to authorize the owners of motor vehicles coming from the SIECA (Central American Economic Integration Subsystem) subscribing countries, provided that the principle of reciprocity applies to Nicaraguan nationals in countries of origin. In the case of the cargo for export to countries outside of the Central American region and its transfer to the transient ports, its local and national transit shall be carried out by national carriers, maintaining the principle of reciprocity and the provisions established by the Central American Economic Integration Subsystem.

	<p>The cargo admitted to the national tax warehouses can only be moved to any point in the national territory by national carriers.</p> <p>Only Nicaraguan people can provide public transport services in the interior of Nicaragua.</p>
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23. Sector:	Maritime transportation
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Most-Favored-Nation Treatment (Article 10.3) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 399, Law on Water Transport (<i>Ley No. 399, Ley de Transporte Acuático</i>), published in <i>La Gaceta</i> No. 166 of September 3, 2001.</p> <p>Decree No. 15-49, Regulatory Law for the Pilotage Service (<i>Decreto No. 15-49, Ley Reguladora para el Servicio de Practicaje</i>), published in <i>La Gaceta</i> No. 4 of January 5, 1985.</p> <p>Ministerial Agreement No. 66-2007, Rules for the authorization of enterprises, companies and cooperatives that provide cargo stowage and unloading services in national ports (<i>Acuerdo Ministerial No. 66-2007, Normas para la habilitación de empresas, compañías y cooperativas prestatarias del servicio de estiba y desestiba de carga en los puertos nacionales</i>), published in <i>La Gaceta</i> No. 2 of January 3, 2008.</p> <p>Resolution DGTA No. 021-2014 (<i>Resolución DGTA No. 021-2014</i>), published in <i>La Gaceta</i> No. 121 of July 1, 2014.</p> <p>Resolution DGTA No. 004-2014 (<i>Resolución DGTA No. 004-2014</i>), published in <i>La Gaceta</i> No. 35 of February 21, 2014.</p> <p>Resolution DGTA No. 030-2009 (<i>Resolución DGTA No 030-2009</i>), published in <i>La Gaceta</i>, No. 63 of April 2, 2014.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>To operate as a Nicaraguan ship-owner or shipping company, a natural person must be a national of Nicaragua and a company has to be organized under the laws of Nicaragua.</p> <p>To operate as a shipping agent, general shipping agent or shipping consignment agent, it is required for a natural person to be Nicaraguan national, and a company needs to be organized under the laws of Nicaragua.</p> <p>Only national of Nicaragua or a company established in Nicaragua can obtain a route concession to engage in maritime transport.</p>

	<p>The operation and use of vessels in internal traffic and cabotage for commercial purposes is reserved to national flag vessels and may be exploited by national ship-owners. However, in conditions of reciprocity, national ship-owners may use vessels with flag of any other Central American country.</p> <p>Only the Nicaraguan national may be appointed as official pilots of any port in Nicaragua.</p> <p>The enterprises, companies or cooperatives intending to provide cargo loading and unloading services in national ports, to be enabled and registered as such shall comply with the following:</p> <ol style="list-style-type: none"> 1. To be established according to the laws of the Republic of Nicaragua, and in case of joint-stock company, the stocks shall be nominative and all registered in the competent Public Registry or in the Ministry of Labor (<i>Ministerio del Trabajo</i>), depending on the case; 2. To have its domicile in Nicaragua; 3. To have a permanent office with adequate human resources and skilled technicians for the proper functioning of the enterprise, company or cooperative of loading and unloading at each port where is going to operate. For the verification of this requirement, it must submit documentary evidence of ownership or lease of the premises of office and appointments or contracts of employment of the staff; 4. Not to be General Shipping Agent, nor consignee agent of ships, nor customs agent. <p>The authorization of new stevedoring companies is subject to the overcoming of cargo volumes that have historically handled each of the National Ports, the operational capacity of the port facilities and the operational capacity of the existing stevedoring companies. The approval or disapproval of the operation of new companies in the ports of the country is under the power of the Approval Committee.</p> <p>The boat service can only be provided by the one who possesses operating license, issued by the General Directorate of Aquatic Transport (<i>Dirección General de Transporte Acuático, - DGTA</i>) for that purpose.</p>
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	<p>An operating license granted by General Directorate of Aquatic Transport is required to provide the certification service of port machinery and equipment.</p> <p>Any natural or legal person engaged in maritime activities that seeks to provide a professional service or an activity defined in article 3 of the Law No. 399 Law of Aquatic Transport, must comply with in addition to the requirements laid down in the formal procedures (documents of requirements) set out for each activity, the parameters set out in the Resolution DGTA No. 030-2009.</p>
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24. Sector:	All sectors
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p>Law No. 800, Law on The Nicaraguan Interoceanic Grand Canal Legal Regime and on the creation of The Nicaraguan Interoceanic Grand Canal Authority (Ley No. 800, <i>Ley del Régimen Jurídico de el Gran Canal Interoceánico de Nicaragua y de creación de la Autoridad de el Gran Canal Interoceánico de Nicaragua</i>), published in <i>La Gaceta</i> No.128 of July 9, 2012.</p> <p>Law No. 840, Special Law for the Development of Infrastructure and Transportation relating to the Nicaraguan Canal, Free Trade Zone and Associated Infrastructures", (Ley No. 840, <i>Ley Especial para el Desarrollo de Infraestructura y Transporte Nicaragüense Atingente a El Canal, Zonas de Libre Comercio e Infraestructuras Asociadas</i>), published in <i>La Gaceta</i> No. 110 of June 14, 2013.</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The Authority of the Grand Canal of Nicaragua will determine the economic activities that can be performed in the special economic zone, as well as the regulations applicable to each of these activities, in coordination with the competent authorities of the State.</p> <p>Nicaragua grants exclusive concession to <i>Empresa Desarrolladora de Grandes Infraestructuras, S.A.</i> (Large Infrastructure Developing Company, Inc) and its concessionaires to develop and operate each of sub-projects included in the <i>El Gran Canal Interoceánico de Nicaragua</i> Project according to the Framework Agreement of Concession for a term of 50 years from the beginning of the commercial operations, subject to the expansions considered in the Framework Agreement of Concession and, for each case, extensible to an additional period of 50 years, that will start immediately after the due date of the original term.</p>

25. Sector:	Transport - Air Transport
Subsector:	
Obligations Concerned:	Most-Favored-Nation Treatment (Articles 9.4 and 10.3) National Treatment (Articles 9.3 and 10.2) Senior Management and Boards of Directors (Article 9.10) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	Law No. 595, Civil Aeronautics General Law (Ley No. 595, <i>Ley General de Aeronáutica Civil</i>), published in <i>La Gaceta</i> No. 193 of October 5, 2006.
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>To be an aircraft owner registered in Nicaragua, it requires:</p> <ol style="list-style-type: none"> 1. to be a natural or legal person of Nicaragua; <p style="margin-left: 40px;">If there are several co-owners, the majority whose rights exceed half the value of the aircraft must preserve their domicile in Nicaragua; or</p> <p style="margin-left: 40px;">If it is a legal person, partnership or association, it is required to be incorporated under the laws of the Republic of Nicaragua or have legal domicile in Nicaragua;</p> 2. to be foreign natural person with a permanent address in Nicaragua; or 3. to be foreign person not domiciled in Nicaragua, as long as there is a credit purchases-and-sales contract or leasing with or without option to purchase. The registration and the enrollment are provisional.

26. Sector:	Transport - Air Transport
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Most-Favored-Nation Treatment (Article 10.3) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	Law No. 595, Civil Aeronautics General Law (Ley No. 595, <i>Ley General de Aeronáutica Civil</i>), published in <i>La Gaceta</i> No. 193 of October 5, 2006.
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>To own an aircraft with a Nicaraguan registration which provides complementary services for air transportation it is required to be natural or legal person of Nicaragua.</p> <p>To perform aerial works in any of their specialties, the natural persons or enterprises must obtain prior authorization from the Aviation Authority and comply with the applicable provisions, the technical regulations and inter alia, the following requirements:</p> <ol style="list-style-type: none"> 1. To possess technical and economic capacity according to the specialty concerned; and 2. To operate with an aircraft of Nicaraguan enrolment. <p>The aeronautical authority may dispense the compliance of Nicaraguan nationality of the owner and of the aircraft when, in the country, there are no companies or aircraft with the capacity of conducting a particular specialty of aerial work.</p>

27. Sector:	Professional Services
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Most-Favored-Nation Treatment (Article 10.3) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	Decree No. 132, Law of Incorporation of Professionals in Nicaragua, (Decreto No. 132, <i>Ley de Incorporación de Profesionales en Nicaragua</i>), published in <i>La Gaceta</i> No. 47 of November 2, 1979. Decree A.N. No. 7539, Decree of Approval of the "Convention on the Exercise of University Professions and Recognition of University Studies" (Decreto A.N. 7539, Decreto de Aprobación del " <i>Convenio sobre el Ejercicio de Profesiones Universitarias y Reconocimiento de Estudios Universitarios</i> "), published in <i>La Gaceta</i> No. 131 of July 15, 2014.
Description:	<u>Cross-Border Trade in Services</u> Foreign professionals may practice in Nicaragua in a form and subject to the same conditions that are permitted for Nicaraguans in the country of origin of such professionals. Nicaragua agrees that, if the jurisdiction in a foreign country allows the Nicaraguan nationals to apply and receive the licenses or certificates necessary to perform a profession in such jurisdiction, a foreign national with a license or a certificate to perform a profession in such jurisdiction shall also be allowed to apply for and receive a license or certificate necessary to perform in Nicaragua. Additionally, the relevant professional association in Nicaragua will recognize a license granted by a foreign jurisdiction and will allow the license holder of that license to join an association and perform the profession in Nicaragua based on the foreign license, in the following cases: a. no academic institution in Nicaragua offers a study program that would allow the exercise of the profession in Nicaragua; b. the license holder is a recognized expert in his profession; or c. allowing the professional to perform in Nicaragua will, through training, demonstration or other similar opportunity, further the development of the profession in Nicaragua.

	<p>The Central American nationals by birth who have obtained a Professional Degree or an equivalent Academic Diploma, in one of the Central American countries that legally enable them to practice a university profession, will be admitted to practice such activities in Nicaragua, provided that the professional complies with the same requirements and formalities required for Nicaraguan university graduates. This provision shall apply while the person concerned retains the nationality of one of the countries of Central America.</p>
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28. Sector:	Services of Public Accounting and Auditing Rendered to Companies
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 6, Law for the Exercise of Public Accountancy (<i>Ley No. 6, Ley para el Ejercicio de Contador Público</i>), published in <i>La Gaceta</i> No. 94 of April 30, 1959.</p> <p>Law No. 561, General Law of Banks, Non-Banking Financial Institutions and Financial Groups (<i>Ley No. 561, Ley General de Bancos, Instituciones Financieras No Bancarias, y Grupos Financieros</i>), published in <i>La Gaceta</i> No. 232 of November 30, 2005.</p> <p>Law No. 587, Capital Markets Law (<i>Ley No. 587, Ley de Mercado de Capitales</i>), published in <i>La Gaceta</i> No. 222, of November 15, 2006.</p> <p>Law No. 733, General Law for Insurance, Reinsurance, and Bonds (<i>Ley No. 733, Ley General de Seguros, Reaseguros y Fianzas</i>), published in <i>La Gaceta</i> No. 162, 163 and 164, of August 25, 26 and 27, 2010.</p> <p>Law No. 734, Law on General Deposits Warehouses (<i>Ley No. 734, Ley de Almacenes Generales de Depósitos</i>), published in <i>La Gaceta</i> No. 201 and 202 of October 21 and 22, 2010.</p> <p>Resolution No. CD-SIBOIF-739-1-AGOS2-2012, External Audit Standard (Resolución CD-SIBOIF-739-1-AGOS2-2012: <i>Norma sobre Auditoría Externa</i>), published in <i>La Gaceta</i> No. 211 of November 5, 2012.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The firms and foreign associations of Public Accountants, Auditors and Accountants either as individuals or companies shall not be entitled to exercise the profession in the Nicaraguan territory, nor any related activity, unless they do it through a firm or association of Nicaraguan Certified Public Accountants, or through a foreign firm with residence or domicile in the country.</p> <p>To provide external audit service to financial institutions regulated by the Superintendency of Banks and Other Financial Institutions</p>

	<p>(<i>Superintendencia de Bancos y otras Instituciones Financieras</i>), audit firms must be registered in the Register of External Auditors of the Superintendency.</p>
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29. Sector:	Professional Services - Notaries
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Most-Favored-Nation Treatment (Article 10.3)
Level of Government:	Central
Measures:	<p>Law No. 260, Organic Law of the Judicial Branch of the Republic of Nicaragua and its reforms (<i>Ley No. 260, Ley Orgánica del Poder Judicial de la República de Nicaragua y sus reformas</i>), published in <i>La Gaceta</i> No. 137 of July 23, 1998.</p> <p>Decree No. 63-99, Regulation of Law No. 260, Organic Law of the Judicial Branch of the Republic of Nicaragua and its reforms (<i>Decreto No. 63-99, Reglamento a la Ley No. 260, Ley Orgánica del Poder Judicial de la República de Nicaragua y sus reformas</i>), published in <i>La Gaceta</i> No. 104 of June 2, 1999.</p> <p>Decree No. 132, Law of Incorporation of Professionals in Nicaragua, (<i>Decreto No. 132, Ley de Incorporación de Profesionales en Nicaragua</i>), published in <i>La Gaceta</i> No. 47 of November 2, 1979.</p> <p>Law of the Notary, Annex to the Civil Procedure Code of Nicaragua. (<i>Ley del Notariado, Anexo al Código Procedimiento Civil de Nicaragua</i>).</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Public notaries must be Nicaraguan nationals by birth authorized by the Supreme Court of Justice in order to practice their profession.</p> <p>Central American nationals by birth can also be authorized to exercise as public notaries in the Republic after residing at least for five years in Nicaragua, provided that they are allowed to exercise as public notaries in their own countries, and that Nicaraguans are authorized to exercise as public notaries in their respective countries.</p>

30. Sector:	Customs Brokers
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Most-Favored-Nation Treatment (Article 10.3) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Central American Uniform Customs Code (<i>Código Aduanero Uniforme Centroamericano</i>), published in <i>La Gaceta</i> No. 41 of February 18, 1966.</p> <p>Resolution No. 24-2008, Regulation of the Central American Uniform Customs Code (<i>Resolución No. 24-2008, Reglamento del Código Aduanero Uniforme Centroamericano</i>), published in <i>La Gaceta</i> No. 136, 137, 138, 139, 140, 141 and 142 of July 17, 18, 21, 22, 23, 24 and 25, 2008.</p> <p>Law No. 265 Law Establishing Auto-Dispatch for Importation, Exportation and other Regimes (<i>Ley No. 265, Ley que establece el Auto despacho para la Importación, Exportación y otros Regímenes</i>), published in <i>La Gaceta</i> No. 219 of November 17, 1997.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only the following people can become a customs broker and get the license issued by the Ministry of Finance and Public Credit:</p> <ul style="list-style-type: none"> a) Nicaraguan nationals who are in full exercise of their rights; b) Central Americans with academic bachelor's degree in customs matters or other disciplines of study as long as they prove at least 2 years of experience in customs matters; or c) Foreign nationals from a country that permits Nicaraguan nationals to serve as customs brokers. <p>An enterprise operating as a customs broker in Nicaragua must be organized under Nicaraguan law and at least one official of the customs enterprise must have a valid license.</p>

31. Sector:	Scientific research services
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	Decree No 316, General Law on the Exploitation of our Natural Riches (Decreto No. 316, <i>Ley General sobre Explotación de Nuestras Riquezas Naturales</i>), published in <i>La Gaceta</i> No. 83 of April 17, 1958.
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Non-resident foreign nationals or their agents, although they are resident in Nicaragua, wishing to carry out an investigation, will be required a permit of recognition.</p> <p>The recognition permit only authorizes the execution of preliminary research in order to verify the existence of natural resources. They cannot carry out works or actions for which only the holder of an operating license or an exploration or exploitation concession is entitled.</p> <p>All concessioner or foreign license holder has the obligation to maintain in Nicaragua a representative with sufficient authority, at all times.</p>

32. Sector:	Free Zones Regime and Inward Processing Regime
Subsector:	
Obligations Concerned:	Performance Requirements (Article 9.9)
Level of Government:	Central
Measures:	<p>Law No. 917, Law on Free Trade Export Zones (Ley No. 917, <i>Ley de Zonas Francas de Exportación</i>), published in <i>La Gaceta</i> No. 196 of October 16, 2015.</p> <p>Law No. 382, Law on Temporary Admission for Inward Processing and Facilitation of Exports (Ley 382, <i>Ley de Admisión Temporal para Perfeccionamiento Activo y de Facilitación de las Exportaciones</i>), published in <i>La Gaceta</i> No. 70 of April 16, 2001.</p>
Description:	<p><u>Investment</u></p> <p>The free zone operators correspond to the free zones of private domain, which must be owned and managed by a company formed as a corporation in accordance with Nicaraguan law, which shall have sole purpose of administering the Zone. This company, besides being responsible for the administration of the Zone shall facilitate the proper operation of companies that operate there, according to the terms established by law.</p> <p>A user company of a Free Trade Zone (FTZ) is any business, industrial or service establishment authorized to operate within a Zone by the National Commission of Free Zones (<i>Comisión Nacional de Zonas Francas</i>). All FTZ user companies should be established as corporations in accordance with Nicaraguan law; and it shall have as a sole object the operation of business within the FTZ. Foreign companies may be established as corporations through subsidiaries or branches, in accordance with the procedure established in the Commercial Code of Republic of Nicaragua (<i>Código de Comercio de la República de Nicaragua</i>).</p> <p>Companies wishing to establish and operate in a FTZ must submit application to the National Commission of Free Zones, The Commission will issue its decision taking into account mainly the country's economic policy and the appropriateness of business operations of the applicant, all in accordance with the provisions of the act and regulations.</p> <p>In accordance with the provisions of the Law, those companies engaged in production and export of goods or services are eligible to operate in a Free Zone. The companies can be national or foreign.</p>

	<p>In case of Temporary Admission for Inward Processing, those companies exporting at least twenty-five percent (25%) of its total sales and with an export value of not less than fifty thousand Central American pesos (CA \$50,000.00) per year, may be eligible to prior suspension of duties and taxes, according to procedures established by the Law and its Regulations.</p>
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33. Sector:	Real Estate Services
Subsector:	
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 602, Law of Real Estate Brokerage of Nicaragua (Ley No. 602, <i>Ley de Correduría de Bienes Raíces de Nicaragua</i>), published in <i>La Gaceta</i> No. 132 of July 12, 2007.</p> <p>Decree No. 94-2007, Regulation of Law No. 602, Law of Real Estate Brokerage of Nicaragua (Decreto No. 94-2007, <i>Reglamento de la Ley No. 602, Ley de Correduría de Bienes Raíces de Nicaragua</i>), published in <i>La Gaceta</i> No. 231 of November 30, 2007.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>People applying for a real estate broker license shall be Nicaraguan citizens, or foreign nationals with legal permanent residence in Nicaragua that hold the pertinent residence permit/card, without work restrictions.</p> <p>The Societies of Real Estate Brokerage will exercise its work through authorized brokers and agents, and they(The Societies) shall be established in accordance with the country's laws.</p> <p>In case of international real estate brokerage firms, in order for them to exercise this activity in Nicaraguan territory, they must be represented by a (Nicaraguan) national natural or legal person of real estate brokerage, who will be the one authorized to represent the international firm and to exercise the brokerage of real estate within/in the country.</p>

34. Sector:	Potable Water, Sanitary Sewer Systems, and Sewage Collection and Disposal.
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p>Law No. 620, General Law of National Waters (<i>Ley No. 620, Ley General de Aguas Nacionales</i>), published in <i>La Gaceta</i> No. 169 of September 4, 2007.</p> <p>Law No. 276, Law for the creation of the Nicaraguan Enterprise of Aqueducts and Sewage - ENACAL (<i>Ley No. 276: Ley de Creación de la Empresa Nicaragüense de Acueductos y Alcantarillados Sanitarios - ENACAL</i>), published in <i>La Gaceta</i> No. 12 of January 20, 1998 and its reforms.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The establishment, construction, and development of public works for the supply and distribution of drinking water, and collecting and disposing of wastewater, may only be performed by the Nicaraguan Enterprise of Aqueducts and Sewage (<i>Empresa Nicaragüense de Acueductos y Alcantarillados Sanitarios - ENACAL</i>).</p> <p>ENACAL is the State entity responsible for providing potable water and collecting and disposing of wastewater, and has the following functions:</p> <ol style="list-style-type: none"> a) to catch, treat, conduct, store, distribute, and sell potable water; and to gather, treat and finally dispose of liquid waste; b) to purchase natural water, purchase and sell potable water, as well as to commercialize the services of collection, treatment and final disposal of wastewater; c) to take all necessary measures so that the release of treated wastewater minimizes the environmental impact; d) to develop the Company's Expansion Plan for the short, medium and long terms; e) to research, explore, develop, and exploit the water resources; and f) to carry out any other activity required for its development.

35. Sector:	Airports
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	Decree No. 1292, Law on the International Airport Administration Company (Decreto No. 1292, <i>Ley de la Empresa Administradora de Aeropuertos Internacionales</i>), published in <i>La Gaceta</i> No. 186 of August 16, 1983 and its reforms.
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The establishment, operation, administration, execution of works and provision of services in international airports correspond to the responsibility of the International Airports Administration Company (EAAI) (<i>Empresa Administradora de Aeropuertos Internacionales</i>).</p>

36. Sector:	Energy-Transmission
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	Law No. 791, Reform to Law No. 788, Reform and Addition Law to Law No. 583, Founding Law of the National Electricity Transmission Company, ENATREL and reforms to Laws No. 272, Electricity Industry Law and No. 290 Law of Organization, Competence and Procedures of the Executive Government (<i>Ley No. 791, Ley de Reforma a la Ley No. 788, Ley de Reforma y Adición a la Ley No. 583, Ley Creadora de la Empresa Nacional de Transmisión Eléctrica, ENATREL y de Reformas a las Leyes No. 272, Ley de la Industria Eléctrica y No. 290 Ley de Organización, Competencia y Procedimientos del Poder Ejecutivo</i>), published in <i>La Gaceta</i> No. 60, on March 28, 2012.
Description:	<u>Cross-Border Trade in Services</u> Only the National Electricity Transmission Company (<i>Empresa Nacional de Transmisión Eléctrica - ENATREL</i>), decentralized public Company of the State, can provide electric power transmission services.

37. Sector:	Public Communications Services
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	Law No. 758, General Law on Nicaraguan Post and Postal Services (Ley No. 758, <i>Ley General de Correos y Servicios Postales de Nicaragua</i>), published in <i>La Gaceta</i> No. 96 and 97 of May 26 and 27, 2011.
Description:	<u>Cross-Border Trade in Services</u> The issuance, financing and commercialization of postage stamps, as well as the usage of franking machines and other analogous systems, is reserved to Nicaraguan Post Office, (<i>Correos de Nicaragua</i>).

38. Sector:	All Sectors
Subsector:	
Obligations Concerned:	National Treatment (Article 10.2) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	Decree No. 08-2013, General Regulation to the Law No. 801 Municipal Administrative Contracting Law (Decreto No. 08-2013, <i>Reglamento General a la Ley No. 801, Ley de Contrataciones Administrativas Municipales</i>), published in <i>La Gaceta</i> No. 24 of February 7, 2013.
Description:	<u>Cross-Border Trade in Services</u> The Municipalities and Municipal Sector will promote the consumption of domestic goods and services, at the time of establishing the specifications concerning the object to be contracted.

39. Sector:	Telecommunications
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p>Political Constitution of the Republic of Nicaragua and its reforms (<i>Constitución Política de la República de Nicaragua y sus reformas</i>), published in <i>La Gaceta</i> No. 32 of February 18, 2014.</p> <p>Law No. 200, General Law of Telecommunications and Postal Services (<i>Ley No. 200, Ley General de Telecomunicaciones y Servicios Postales</i>), published in <i>La Gaceta</i> No. 154, of August 18, 1995, and its reforms.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The granting of concessions, licenses, permits or records for the provision of telecommunications services that require the use of radio electric spectrum, shall be subject to the availability of the spectrum and the policies regarding their use.</p> <p>Maritime and aeronautical telecommunications services shall be authorized, installed, operated and controlled by the National Army (<i>Ejército Nacional</i>) and the General Direction of Civil Aeronautic (<i>Dirección General de Aeronáutica Civil</i>).</p> <p>The representation of the State to the international telecommunications agencies corresponds to the Nicaraguan Institute of Telecommunications and Postal Services (<i>Instituto Nicaragüense de Telecomunicaciones y Correos - TELCOR</i>).</p> <p>For the purposes of national security: (a) In no case is permissible the establishment of systems that alter or affect the national communication systems. (b) The communication points for national defense purposes in the national territory shall be property of the State. (c) The radio spectrum and satellite are property of the Nicaraguan State and shall be regulated by the regulatory entity, the law shall regulate the matter.</p>

40. Sector:	Electricity Generation
Subsector:	
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p>Law No. 272, Electrical Industry Law (<i>Ley No. 272, Ley de la Industria Eléctrica</i>), published in <i>La Gaceta</i> No. 74 of April 23, 1998 and its reforms and additions.</p> <p>Law No. 911, Law of Reforms to Law No. 554, Energy Stability Law and Law No. 898, Law of Variation Rate of the Electric Power to the Consumer (<i>Ley No. 911, Ley de Reformas a la Ley No. 554, Ley de Estabilidad Energética y a la Ley No. 898, Ley de Variación de la Tarifa de Energía Eléctrica al Consumidor</i>), published in <i>La Gaceta</i> No. 178 of September 22, 2015.</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>To participate in the electricity generation segment, a company must be organized under the laws of Nicaragua.</p> <p>Economic agents, subsidiaries or shareholders engaged in electric power generation activities cannot be owners or partners of the facilities that serve for the transmission and/or distribution of electrical power, except for the Nicaraguan Electricity Company (<i>Empresa Nicaraguense de Electricidad ENEL</i>), which may exercise these activities only in non-concessioned areas.</p> <p>Generators may be owners of power lines or transmission equipment, needed to connect their plants to the National Interconnected System (<i>Sistema Interconectado Nacional, SIN</i>), which will be considered its secondary transmission system.</p> <p>New contracts of power generation from renewable sources shall be in accordance with the prices specified for each type of generation.</p>

41. Sector:	Natural Resources
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p>Political Constitution of the Republic of Nicaragua and its reforms (<i>Constitución Política de la República de Nicaragua y sus reformas</i>), published in <i>La Gaceta</i> No. 32 of February 18, 2014.</p> <p>Law No. 217, General Law of the Environment and Natural Resources, (Ley No. 217, <i>Ley General del Medio Ambiente y los Recursos Naturales</i>), published in <i>La Gaceta</i> No. 105 of June 6, 1996.</p> <p>Decree No. 316, General Law on the Exploitation of our Natural Riches. (Decreto No. 316, <i>Ley General sobre Explotación de Nuestras Riquezas Naturales</i>), published in <i>La Gaceta</i> No. 83 of April 17, 1958.</p> <p>Law No. 620, General Law of National Waters (Ley No. 620, <i>Ley General de Aguas Nacionales</i>), published in <i>La Gaceta</i> No. 169 of September 4, 2007.</p> <p>Law No. 749, Law of the Legal System of Frontiers (Ley No. 749, <i>Ley del Régimen Jurídico de Fronteras</i>), published in <i>La Gaceta</i> No. 244 of December 22, 2010.</p> <p>Law No. 462, Law of Conservation, Development and Sustainable Development of the Forestry Sector (Ley No. 462, <i>Ley de Conservación, Fomento y Desarrollo Sostenible del Sector Forestal</i>), published in <i>La Gaceta</i> No.168 of September 4, 2003.</p> <p>Law No. 286, Special Law of Exploration and Exploitation of Hydrocarbons (Ley No. 286, <i>Ley Especial de Exploración y Explotación de Hidrocarburos</i>), published in <i>La Gaceta</i> No. 109, of June 12, 1998 and its reforms.</p> <p>Law No. 443, Law of Geothermal Resource Exploration and Exploitation and its reforms. (Ley No. 443, <i>Ley de Exploración y Explotación de Recursos Geotérmicos</i>), published in <i>La Gaceta</i> No. 222 of November 21, 2002 and its reforms.</p> <p>Law No. 883, Organic Law of the Nicaraguan Oil Company (PETRONIC) with its reforms incorporated (Ley No. 883, <i>Ley Orgánica de la Empresa Nicaragüense de Petróleos - PETRONIC, con sus reformas incorporadas</i>), published in <i>La Gaceta</i>, No. 239 of December 17, 2014 .</p>

<p>Description:</p>	<p><u>Cross-Border Trade in Services</u></p> <p>Natural resources are part of the national heritage. The preservation of the environment and the conservation, development and rational exploitation of the natural resources are the responsibility of the State; the State may conclude contracts for the rational exploitation of these resources, when the national interest so requires.</p> <p>The domain, use and exploitation of natural resources described in the law shall be regulated by law expresses.</p> <p>The exploration, exploitation and benefits of liquid or gaseous hydrocarbon deposits of any kind existing in the maritime waters subject to the national jurisdiction and those totally or partially located in areas designated important for national security with mining effects, the qualification of which shall be made by law, may be subject to administrative concessions or to special operating contracts, with the requirements and conditions established by the laws, for each case.</p>
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42. Sector:	Elaboration of maps
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	Law No. 311, Organic Law of the Nicaraguan Institute of Territorial Studies (INETER) (<i>Ley No. 311, Ley Orgánica del Instituto Nicaragüense de Estudios Territoriales - INETER</i>), published in <i>La Gaceta</i> No. 143 of July 28, 1999 and its reforms.
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The Nicaraguan Institute of Territorial Studies (<i>Instituto Nicaragüense de Estudios Territoriales - INETER</i>) is responsible for developing, updating, editing and publishing official, cadastral, urban and rural maps, as well as thematic maps and hydrographic, nautical and aeronautical charts of the country at different scales.</p>

43. Sector:	Administration of Lotteries
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	Internal Regulation of the National Lottery (<i>Reglamento Interno de la Lotería Nacional</i>), published in <i>La Gaceta</i> No. 229 of December 3, 1996.
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only the State can operate directly and for charitable purposes lottery games and games of chance.</p> <p>Only the National Lottery, State-owned Company, can do the activities of management and distribution of the lotteries.</p>

44. Sector:	Ports
Subsector:	
Obligations Concerned:	Market Access (Article 10.4)
Level of Government:	Central
Measures:	Law No. 838, General Law of Nicaraguan Ports and its Regulation (Ley No. 838, <i>Ley General de Puertos de Nicaragua y su Reglamento</i>), published in <i>La Gaceta</i> No. 92 of May 21, 2013.
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The administration and operation of the ports of national interest is reserved to the National Port Company (<i>Empresa Portuaria Nacional</i> - EPN).</p> <p>The EPN is the Administering Authority of the state national port system, which includes all public ports. It is the administrator entity of the state-owned ports as well as of the contracts of the ports granted by the State of Nicaragua under procedure of Law No. 838, in which activities of international transport of goods or passengers are carried out, as well as in those ports of local interest under its administration and control; and in those that may be developed or promoted in the future.</p> <p>The President of the Republic, through the EPN and for reasons of strategic interest, may grant in concessions or association, the construction and operation of new ports for public use prior to technical approval of the DGTA to public or private legal entities, national or foreign, after consultation and approval, where appropriate, with municipalities and regional councils on the Atlantic Coast, where the port is positioned.</p> <p>The concessions and contracts for the exploitation and port development that the State grants in the Autonomous Regions of the Atlantic Coast will be processed in accordance with the provisions of the Political Constitution of the Republic of Nicaragua and the relevant laws.</p> <p>When the investment takes place in the territory of the Autonomous Regions (Atlantic Coast Regions), the legal instrument to be signed between the National Port Company and the investor has to be approved by the Regional Council, in accordance with the provisions of the Political Constitution of the Republic of Nicaragua.</p>

	<p>The concession contracts or lease contracts will be regulated exclusively by the laws of the Republic of Nicaragua. The disputes that may arise because of interpretation or application of the contract shall be subject to:</p> <ol style="list-style-type: none">1) Amicable settlement between the parties;2) Mediation before the Directorate of Alternative Dispute Resolution in the Supreme Court of Justice; or3) Arbitration, in accordance with the laws of the Republic of Nicaragua.
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