

Annex I
Non-Conforming Measures
Schedule of Costa Rica

Explanatory Note

1. The Schedule of a Party of this Annex sets out, pursuant to Article 10.7 (Non-Conforming Measures) of Chapter 10 (Trade in Services) and Article 11.13 (Non-Conforming Measures) of Chapter 11 (Investment), the reservations taken by a Party with respect to measures that do not conform to some or all of the obligations imposed by:

- (a) Article 10.3 (National Treatment) of Chapter 10 (Trade in Services) or Article 11.4 (National Treatment) of Chapter 11 (Investment);
- (b) Article 10.4 (Most-Favoured-Nation Treatment) of Chapter 10 (Trade in Services) or Article 11.5 (Most-Favoured-Nation Treatment) of Chapter 11 (Investment);
- (c) Article 10.5 (Market Access) of Chapter 10 (Trade in Services);
- (d) Article 10.6 (Local Presence) of Chapter 10 (Trade in Services);
- (e) Article 11.8 (Performance Requirements) of Chapter 11 (Investment); or
- (f) Article 11.12 (Senior Management and Board of Directors) of Chapter 11 (Investment).

2. Each reservation in a Party's Schedule sets out the following elements:

- (a) **Sector** refers to the sector in which the reservation is made ;
- (b) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1 that, pursuant to Article 10.7 (Non-Conforming Measures) of Chapter 10 (Trade in Services) and Article 11.13 (Non-Conforming Measures) of Chapter 11 (Investment), do not apply to listed measure(s);
- (c) **Measures** identify the laws, regulations, or other measures for which the reservation is made. A measure cited in the **Measures** element:
 - i. means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement, and

- ii. includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (d) **Description** sets out a general description of the **Measures** element.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The **Measures** element shall prevail over all other elements, unless any inconsistency 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 inconsistency.

4. In accordance with Article 10.7 (Non-Conforming Measures) of Chapter 10 (Trade in Services) and Article 11.13 (Non-Conforming Measures) of Chapter 11 (Investment), the Articles of this Agreement specified in the **Obligations Concerned** element of a reservation do not apply to the laws, regulations, or other measures identified in the **Measures** element of that reservation.

5. Where a Party maintains a measure that requires that a service supplier be a citizen, permanent resident, or resident of its territory as a condition to the supply of a service in its territory, a reservation for that measure taken with respect to Article 10.3 (National Treatment), 10.4 (Most-Favoured-Nation Treatment), or 10.6 (Local Presence) shall operate as a reservation with respect to Article 11.4 (National Treatment), 11.5 (Most-Favoured-Nation Treatment), or 11.8 (Performance Requirements) to the extent of that measure.

6. For greater certainty, Article 10.5 (Market Access) refers to non-discriminatory measures.

Sector:	All
Obligations Concerned:	Local Presence
Measures:	<p>Law No. 3284 – <i>Código de Comercio</i> – Article 226.</p> <p>Law No. 218 – <i>Ley de Asociaciones</i> – Article 16.</p> <p>Executive Decree No. 29496 – <i>Reglamento a la Ley de Asociaciones</i> – Article 34.</p>
Description:	<p><u>Trade in Services:</u></p> <p>The associations located abroad that would like to act in Costa Rica and the foreign juridical persons that have or want to open branches in the territory of Costa Rica, are obliged to constitute and maintain in the country a power of attorney for the branches' business.</p>

Sector:	All
Obligations Concerned:	National Treatment Market Access Local Presence
Measures:	Law No. 6043 – <i>Ley sobre la Zona Marítimo Terrestre</i> – Chapters 2, 3 and 6.
Description:	<p><u>Trade in Services and Investment:</u></p> <p>A concession is required to perform any type of development or activity in the maritime-terrestrial zone.¹ Such a concession shall not be granted to or held by: (a) foreign nationals that have not resided in the country for at least five years; (b) enterprises with bearer shares; (c) enterprises domiciled abroad; (d) enterprises incorporated in the country solely by foreign nationals; or (e) enterprises where more than fifty percent of the capital shares or stocks are owned by foreigners.</p> <p>Within the maritime-terrestrial zone, no concession may be granted within the first fifty meters counted from the high tide line nor in the area comprised between the high tide line and the low tide line.</p>

¹ The maritime-terrestrial zone is the 200-meter strip located along the entire length of the Atlantic and Pacific coast lines of Costa Rica, measured horizontally from the ordinary high tide line. The maritime-terrestrial zone also covers all islands located within the Costa Rican territorial waters.

Sector:	All
Obligations Concerned:	National Treatment Market Access Local Presence
Measures:	Law No. 7762 – <i>Ley General de Concesión de Obras Públicas con Servicios Públicos</i> – Chapter 4.
Description:	<p><u>Trade in Services and Investment:</u></p> <p>For concessions of public works contracts and the concessions of public works with public services contracts defined in accordance with Costa Rican legislation, in case of a tie in the selection parameters in conformity with the notice rules, the Costa Rican tenderer shall be awarded the contract over the foreigner. The adjudicator shall be obliged to constitute a national anonymous society with which the concession's contract shall be done. Also, he shall be jointly responsible with this anonymous society.</p> <p>For greater certainty, this reservation shall not affect the rights and obligations of the Parties under Chapter 8 (Government Procurement).</p>

Sector:	Professional Services
Obligations Concerned:	National Treatment Most-Favoured-Nation Treatment Market Access Local Presence
Measures:	<p>Law No. 7221 – <i>Ley Orgánica del Colegio de Ingenieros Agrónomos.</i></p> <p>Executive Decree No. 22688 – <i>Reglamento General de la Ley Orgánica del Colegio de Ingenieros Agrónomos de Costa Rica.</i></p> <p>Executive Decree No. 29410 – <i>Reglamento del Registro de Peritos-Tasadores del Colegio de Ingenieros Agrónomos.</i></p> <p>Law No. 5230 – <i>Ley Orgánica del Colegio de Geólogos de Costa Rica.</i></p> <p>Executive Decree No. 6419 – <i>Reglamento del Colegio de Geólogos de Costa Rica.</i></p> <p>Law No. 5142 – <i>Ley Orgánica del Colegio de Farmacéuticos de Costa Rica.</i></p> <p>Executive Decree No. 3503 – <i>Reglamento General Orgánico o Reglamento Interno del Colegio de Farmacéuticos de Costa Rica.</i></p> <p>Law No. 5784 – <i>Ley Orgánica del Colegio de Cirujanos Dentistas de Costa Rica.</i></p> <p>Law No. 4925 – <i>Reforma Integral a la Ley Orgánica del Colegio Federado de Ingenieros y Arquitectos.</i></p> <p>Executive Decree No. 3414 – <i>Reglamento Interior General del Colegio Federado de Ingenieros y Arquitectos de Costa Rica.</i></p> <p><i>Reglamento Especial de Incorporación al Colegio Federado de Ingenieros y Arquitectos de Costa Rica.</i></p> <p><i>Reglamento Especial para Determinar Inopia de Profesionales para los Efectos de Miembro Temporal o Incorporación de Extranjeros al Colegio Federado de Ingenieros y de Arquitectos de Costa Rica.</i></p>

	<p>Law No. 1038 – <i>Ley de Creación del Colegio de Contadores Públicos.</i></p> <p>Executive Decree No. 13606 – <i>Reglamento del Colegio de Contadores Públicos de Costa Rica.</i></p> <p>Law No. 3455 – <i>Ley Orgánica del Colegio de Médicos Veterinarios.</i></p> <p>Executive Decree No. 19184 – <i>Reglamento a la Ley Orgánica del Colegio de Médicos Veterinarios.</i></p> <p>Law No. 2343 – <i>Ley Orgánica del Colegio de Enfermeras de Costa Rica.</i></p> <p>Executive Decree No. 34052 – <i>Reglamento de la Ley Orgánica del Colegio de Enfermeras de Costa Rica.</i></p> <p>Law No. 7764 – <i>Código Notarial.</i></p> <p>Law No. 1269 – <i>Ley Orgánica del Colegio de Contadores Privados.</i></p> <p><i>Reglamento para el trámite y requisitos de incorporación al Colegio de Contadores Privados de Costa Rica.</i></p> <p>Law No. 8412 – <i>Ley Orgánica del Colegio de Ingenieros Químicos y Profesionales Afines y Ley Orgánica del Colegio de Químicos de Costa Rica.</i></p> <p>Law No. 3019 – <i>Ley Orgánica del Colegio de Médicos y Cirujanos.</i></p> <p>Executive Decree No. 23110 – <i>Reglamento a la Ley Orgánica del Colegio de Médicos y Cirujanos.</i></p> <p>Executive Decree No. 2613 – <i>Reglamento General para Autorizar el Ejercicio a Profesionales de Ramas Dependientes de las Ciencias Médicas y a Técnicos en Materias Médico Quirúrgicas.</i></p> <p>Law No. 3838 – <i>Ley Orgánica del Colegio de Optometristas de Costa Rica.</i></p> <p>Law No. 4420 – <i>Ley Orgánica del Colegio de Periodistas de Costa Rica.</i></p> <p>Executive Decree No. 32599 – <i>Reglamento del Colegio de Periodistas.</i></p>
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<p>Law No. 7106 – <i>Ley Orgánica del Colegio de Profesionales en Ciencias Políticas y de Relaciones Internacionales.</i></p> <p>Executive Decree No. 19026 – <i>Reglamento a la Ley Orgánica del Colegio de Profesionales en Ciencias Políticas y de Relaciones Internacionales.</i></p> <p>Law No. 4288 – <i>Ley Orgánica del Colegio de Biólogos.</i></p> <p>Executive Decree No. 39 – <i>Reglamento de la Ley Orgánica del Colegio de Biólogos de Costa Rica.</i></p> <p>Law No. 5402 – <i>Ley Orgánica al Colegio de Bibliotecarios de Costa Rica.</i></p> <p><i>Reglamento a la Ley Orgánica al Colegio de Bibliotecarios de Costa Rica.</i></p> <p>Law No. 7537 – <i>Ley Orgánica del Colegio de Profesionales en Informática y Computación.</i></p> <p>Law No. 8142 – <i>Ley de Traducciones e Interpretaciones Oficiales.</i></p> <p>Executive Decree No. 30167 – <i>Reglamento a la Ley de Traducciones e Interpretaciones Oficiales.</i></p> <p>Law No. 7105 – <i>Ley Orgánica del Colegio de Licenciados en Ciencias Económicas.</i></p> <p>Executive Decree No. 20014 – <i>Reglamento General de Profesionales en Ciencias Económicas de Costa Rica.</i></p> <p>Law No. 7503 – <i>Ley Orgánica del Colegio de Físicos.</i></p> <p>Executive Decree No. 28035 – <i>Reglamento a la Ley Orgánica del Colegio de Físicos.</i></p> <p>Law No. 6144 – <i>Ley Orgánica del Colegio Profesional de Psicólogos de Costa Rica.</i></p> <p><i>Reglamento General del Colegio Profesional de Psicólogos de Costa Rica.</i></p> <p>Law No. 7912 – <i>Ley Orgánica del Colegio de Profesionales en Quiropráctica.</i></p> <p>Executive Decree No. 28595 – <i>Reglamento de la Ley</i></p>

	<p><i>Orgánica del Colegio de Profesionales en Quiropráctica.</i></p> <p><i>Law No. 7559 – Ley de Servicio Social Obligatorio para los Profesionales en las Ciencias de la Salud.</i></p> <p><i>Executive Decree No. 25068 – Reglamento de Servicio Social Obligatorio para los Profesionales en Ciencias de la Salud.</i></p>
<p>Description:</p>	<p><u>Trade in Services and Investment:</u></p> <p>Only the professional services suppliers duly incorporated to the respective professional association in Costa Rica are authorized to practice the profession in the Costa Rican territory, including advisory and consulting. The foreign professional services suppliers shall incorporate to the respective professional association in Costa Rica and fulfill, among others, with requirements of nationality, residence, incorporation exams, accreditations, experience, social service or evaluations. Priority shall be given to Costa Rican professional services suppliers for the social service requirement.</p> <p>To be incorporated in some of the professional associations in Costa Rica, the foreign professional services suppliers shall demonstrate that in their country of origin, where they are authorized to practice their profession, the Costa Rican professional services suppliers can practice the profession under like circumstances.</p> <p>In some cases, the hiring of foreign professional services suppliers on behalf of State or private institutions can only happen when there are no Costa Rican professional services suppliers willing to supply the service in the required conditions, or under the declaration of <i>inopia</i>.</p> <p>This reservation applies to Agronomists, Geologists, Pharmacists, Dental Surgeons, Engineers and Architects, Public Accountants, Veterinaries, Nurses, Lawyers (i.e. Notaries), Private Accountants, Chemists, Chemical Engineers and Related Professionals, Physicians and Surgeons, Medical and Surgical Technicians and Medical Sciences Branches, Optometrists, Journalists, Political Scientists and International Relations Specialists, Biologists, Librarians, Computer Science and Information</p>

	Technology Professionals, Official Translators and Interpreters, Economists, Physicists, Psychologists, Chiropractors, Professionals in Health Sciences, Microbiologists and Nutritionists.
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Sector:	Land Transportation Services – Road Freight Transportation
Obligations Concerned:	National Treatment Most-Favoured-Nation Treatment Market Access Senior Management and Board of Directors
Measures:	Executive Decree No. 31363 – <i>Reglamento de Circulación por Carretera con base en el Peso y las Dimensiones de los Vehículos de Carga</i> – Articles 69 and 71. Executive Decree No. 15624 – <i>Reglamento del Transporte Automotor de Carga Local</i> – Articles 5, 7, 8, 9, 10, and 12.
Description:	<u>Trade in Services and Investment:</u> No motor vehicle, trailer, or tractor-trailer with foreign license plates may transport goods within the territory of Costa Rica. This prohibition does not apply to vehicles, trailers, or tractor-trailers registered in one of the Central American countries. Only Costa Rican nationals or enterprises shall supply freight transportation services between two points within the territory of Costa Rica. Such an enterprise must meet the following requirements: (a) at least fifty one percent of its capital must be owned by Costa Rican nationals; and (b) Costa Rican nationals must have effective control and management of the enterprise. Foreign enterprises involved in international multi-modal freight transportation must contract enterprises organized under the laws of Costa Rica to transport containers and tractor-trailers within Costa Rica.

Sector:	Tourist Guides
Obligations Concerned:	National Treatment
Measures:	Executive Decree No. 31030 – <i>Reglamento de los Guías de Turismo</i> – Article 11.
Description:	<u>Trade in Services and Investment:</u> Only Costa Rican nationals or residents may apply for tourist guides licenses.

Sector:	Travel Agencies and Tourism
Obligations Concerned:	Market Access
Measures:	<p>Law No. 5339 – <i>Ley Reguladora de las Agencias de Viajes</i> – Article 8.</p> <p>Executive Decree No. 24863 – <i>Reglamento de la Ley de Incentivos para el Desarrollo Turístico</i> – Article 16.</p>
Description:	<p><u>Trade in Services:</u></p> <p>Costa Rica reserves the right to limit the number of travel agencies authorized to operate in Costa Rica based on demand for that service.</p>

Sector:	Public Function Customs Auxiliaries
Obligations Concerned:	National Treatment Local Presence
Measures:	Law No. 7557 – <i>Ley General de Aduanas</i> – Title III. Executive Decree No. 25270 – <i>Reglamento a la Ley General de Aduanas</i> – Title IV.
Description:	<u>Trade in Services:</u> Only natural persons or enterprises that have a legal representative and incorporated in Costa Rica may act as public function customs auxiliaries. Only Costa Rican nationals may act as customs brokers.

Sector:	Scientific and Research Services
Obligations Concerned:	National Treatment Local Presence
Measures:	<p>Law No. 7788 – <i>Ley de Biodiversidad</i> – Articles 7 and 63.</p> <p>Law No. 7317 – <i>Ley de Conservación de la Vida Silvestre</i> – Articles 2, 28, 29, 31, 38, 39, 61, 64 and 66.</p> <p>Executive Decree No. 32633 – <i>Reglamento a la Ley de Conservación de la Vida Silvestre</i> – Chapter V.</p>
Description:	<p><u>Trade in Services:</u></p> <p>Foreign nationals or enterprises domiciled abroad that supply scientific research and bioprospecting² services with regard to biodiversity³ in Costa Rica shall designate a legal representative that resides in Costa Rica.</p> <p>A license for scientific or cultural collection of species, scientific hunting, and scientific or cultural fishing shall be issued for a maximum of one year for nationals or residents, and six months or less for all other foreigners. Nationals and residents shall pay a lower fee than non-resident foreigners to obtain this license.</p>

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

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

Sector:	Free Zones
Obligations Concerned:	Performance Requirements
Measures:	<p>Law No. 7210 – <i>Ley de Régimen de Zonas Francas</i> – Article 22.</p> <p>Executive Decree No. 34739 – <i>Reglamento a la Ley de Régimen de Zonas Francas</i> – Chapter 13.</p>
Description:	<p><u>Investment:</u></p> <p>An enterprise established in the Free Zone in Costa Rica may not introduce more than twenty five percent of its total sales in goods or fifty percent of its total sales in services into Costa Rica’s customs territory. An enterprise established in the Free Zone in Costa Rica that only repackages or redistributes goods but does not alter them may not introduce any such goods into Costa Rica’s customs territory.</p>

Sector:	Education Services
Obligations Concerned:	National Treatment Senior Management and Board of Directors
Measures:	Executive Decree No. 30431 – <i>Reglamento de la Educación Superior Parauniversitaria</i> – Articles 6, 16 and 61.
Description:	<u>Trade in Services and Investment:</u> No less than eighty five percent of the faculty, administrative faculty, administrative staff and senior management of a private institute of higher education must be Costa Rican nationals.

Sector:	News Agency Services
Obligations Concerned:	National Treatment Local Presence
Measures:	Executive Decree No. 32599 – <i>Reglamento del Colegio de Periodistas</i> – Articles 3, 47 and 48.
Description:	<p><u>Trade in Services:</u></p> <p>Except as authorized, a journalist who is a foreign national may cover events in Costa Rica only if he or she is a resident of Costa Rica.</p> <p>The Board of Directors of the <i>Colegio de Periodistas</i> may grant non-resident foreign nationals a special permit to cover events in Costa Rica for up to one year and may extend that period, provided that doing so does not harm or conflict with the interests of members of the <i>Colegio de Periodistas</i>.</p> <p>If the <i>Colegio de Periodistas</i> decides that an event of international importance will or has occurred in Costa Rica, the <i>Colegio de Periodistas</i> may grant a non-resident foreign national with appropriate professional credentials a temporary permit to cover the event for the foreign media the journalist represents. Such permit may be valid for up to one month after the event.</p>

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

Sector:	On Premise Supply of Liquors for Consumption
Obligations Concerned:	Market Access
Measures:	Law No. 10 – <i>Ley sobre la Venta de Licores</i> – Articles 8, 11 and 16.
Description:	<p><u>Trade in Services:</u></p> <p>Municipalities decide the number of establishments selling liquor that can be authorized in each one of the areas under their jurisdiction. In no case can this number exceed the following proportion:</p> <ul style="list-style-type: none"> (a) In province capitals, one establishment selling foreign liquor and one establishment selling domestic liquor per three hundred residents; (b) In all other cities with over one thousand residents, one establishment selling foreign liquor per five hundred residents and one establishment selling domestic liquor per three hundred residents; (c) Cities under one thousand residents but over five hundred residents may have two establishments selling foreign liquor and two selling domestic liquor; and (d) Any other cities with five hundred residents or less may have one establishment selling foreign liquor and one establishment selling domestic liquor. <p>No establishment for on-premise supply of liquors for consumption will be allowed outside the perimeter of cities or where no permanent police authority exists.</p> <p>In a public auction, no person may receive authorization for more than one establishment selling foreign liquor and one establishment selling domestic liquor in the same city.</p>