

ANNEX I  
Schedule of the United States

SECTOR: Energy

SUB-SECTOR: Atomic Energy

INDUSTRY CLASSIFICATION: Not Applicable

TYPE OF RESERVATION: National Treatment (Article 1102)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: Atomic Energy Act of 1954, 42 U.S.C. 2133-2134

DESCRIPTION: Investment

A license is required for any person in the United States to transfer, manufacture, produce, use or import any facilities that produce or use nuclear materials. Such license may not be issued to any entity known or believed to be owned, controlled or dominated by an alien, a foreign corporation or a foreign government (42 U.S.C. 2133, 2134). The issuance of a license is also prohibited for utilization or production facilities for such uses as medical therapy or research and development activities to any corporation or other entity owned, controlled or dominated by one of the foreign persons described above (42 U.S.C. 2134(d)).

DURATION: Indeterminate

=====  
=====

ANNEX I  
Schedule of the United States

SECTOR: Business Services

SUB-SECTOR: Export Intermediaries

INDUSTRY CLASSIFICATION: 7389 Business Services, Not Elsewhere Classified

TYPE OF RESERVATION: National Treatment (Article 1202) Local Presence

(Article 1205)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: Export Trading Company Act of 1982, Public Law 97-290,

96 Stat. 1233, 15 U.S.C. 4011-4021

15 C.F.R. Part 325

DESCRIPTION: Cross-Border Services

Title III of the Export Trading Company Act of 1982 authorizes the Secretary of Commerce to issue "certificates of review" with respect to export conduct. The Act calls for the issuance of a certificate of review if the Secretary determines, and the Attorney General concurs, that the export conduct specified in an application will not have the anticompetitive effects proscribed by the Act. A certificate of review limits the liability under federal and state antitrust laws in engaging in the export conduct certified.

Only a "person" as defined by the Act can apply for a certificate of review. The term "person" means "an individual who is a resident of the United States; a partnership that is created under and exists pursuant to the laws of any State or of the United States; a State or local government entity; a corporation, whether organized as a profit or nonprofit corporation, that is created under and exists pursuant to the laws of any State or of the United States; or any association or combination, by contract or other arrangement, between such persons."

A foreign national or enterprise can receive the protection provided by a certificate of review by becoming a "member" of a qualified applicant. The regulations define "member" to mean "an entity (U.S. or foreign) which is seeking protection under the certificate with the applicant. A member may be a partner in a

partnership or a joint venture; a shareholder of a corporation; or a participant in an association, cooperative, or other form of profit or nonprofit organization or relationship, by contract or other arrangement."

DURATION:Indeterminate

=====

## ANNEX I

### Schedule of United States

SECTOR:Business Services

SUB-SECTOR:Export Intermediaries

INDUSTRY CLASSIFICATION:7389 Business Services, Not Elsewhere Classified

TYPE OF RESERVATION: National Treatment (Article 1202) Local Presence

(Article 1205)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: Export Administration Act of 1979, Pub. L. 96-72, as amended

Export Administration Regulations,  
15 C.F.R. parts 768 through 799

DESCRIPTION: Cross-Border Services

With some limited exceptions, the export from the United States of all commodities, and all "technical data", requires either a general license or a validated license or other authorization granted by the Office of Export Licensing, United States Department of Commerce. A general license requires no application or documentation and is generally available for use by all persons.

An application for a validated license may be made only by a person subject to the jurisdiction of the United States who is in fact the exporter, or by his duly authorized agent. An

application may be made on behalf of a person not subject to the jurisdiction of the United States by an authorized agent in the United States, who then becomes the applicant.

DURATION: Indeterminate

=====

=====

ANNEX I  
Schedule of United States

SECTOR: Communications

SUB-SECTOR: Telecommunications (Enhanced or Value-Added Services)

INDUSTRY CLASSIFICATION: CPC 752323 Value-Added Network Services  
CPC 752329

Other Message Services

TYPE OF RESERVATION: National Treatment (Article 1102)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: F.C.C. Decision, International Communications Policies

Operating  
(1986)  
or value-  
added services)

Governing Designation of Recognized Private  
Agencies, 104 F.C.C. 2d 208, n. 123, n. 126  
47 C.F.R. 64.702 (1991) (Definition of enhanced

DESCRIPTION: Investment

If a U.S.-based foreign-owned enhanced service provider obtains voluntary Recognized Private Operating Agency certification from the U.S. Department of State for purposes of negotiating operating agreements with governments other than the U.S. Government, it must submit copies of all operating agreements granted to it by foreign governments and any refusal of a foreign government to grant it an operating agreement. For purposes of this rule, a service provider is generally considered "foreign owned" if 20 percent or more of its stock is

owned by persons that are not U.S.  
citizens.

DURATION: Indeterminate

=====

ANNEX I  
Schedule of the United States

SECTOR: Manufacturing

SUB-SECTOR: Agricultural Chemicals

INDUSTRY CLASSIFICATION: SIC 2879 Pesticides and Agricultural  
Chemicals,  
not Elsewhere Classified

TYPE OF RESERVATION: National Treatment (Article 1102)

LEGAL CITATION: Federal Insecticide, Fungicide, and Rodenticide  
Act, as  
amended, 7 U.S.C. 136 et seq.

DESCRIPTION: Investment

7 U.S.C. 135h(g) prevents the  
Administrator of the Environmental  
Protection Agency from knowingly  
disclosing information submitted by an  
applicant or registrant under the Act  
(without consent) to any person  
engaged in the production, sale or  
distribution of pesticides in  
countries other than the United States  
or to any person who intends to  
deliver such data to such foreign or  
multinational business or entity.

DURATION: Indeterminate

=====

ANNEX I  
Schedule of the United States

SECTOR: Mining and Materials

SUB-SECTOR: Minerals Mining

INDUSTRY CLASSIFICATION:

TYPE OF RESERVATION: National Treatment (Article 1102) Most-Favored-Nation

Treatment (Article 1103)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: Mineral Lands Leasing Act of 1920; 30 U.S.C. Chapter 3;

10 U.S.C. 7435

DESCRIPTION: Investment

1. Under the Mineral Lands Leasing Act of 1920, aliens and corporations with foreign stockholders may not acquire rights-of-way for oil or gas pipelines, or pipelines carrying products refined from them, across on-shore federal lands, or acquire leases or interests in certain minerals, such as coal or oil. However, non-U.S. citizens may own a 100 percent interest in a domestic corporation that acquires a right-of-way for oil or gas pipelines across on-shore federal lands or lease to develop mineral resources on on-shore federal lands unless the foreign investor's home country denies similar or like privileges for the mineral or access in question to U.S. citizens or corporations, as compared with the privileges it accords to its own (30 U.S.C. 181, 183(a)).

2. Nationalization is not considered to be denial of similar or like privileges.

3. See also 10 U.S.C. 7435, which restricts foreign citizens, or corporations controlled by them, from obtaining access to leases on Naval Petroleum Reserves, should the laws, customs or regulations of their country deny the privilege of leasing public lands to citizens or corporations of the United States.

DURATION: Indeterminate.

=====  
=====

SECTOR: Professional Services

SUB-SECTOR: Patent Attorneys and Patent Agents and other  
Practice before  
the Patent and Trademark Office

INDUSTRY CLASSIFICATION: [to be provided]

TYPE OF RESERVATION: National Treatment (Article 1202) Most-  
Favored-Nation  
Treatment (Article 1203) Local Presence  
(Article 1205)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: 35 USC Chapter 3 (Practice Before Patent and  
Trademark Office)  
37 C.F.R. Part 10 (Representation of Others  
Before the U.S.  
Patent and Trademark Office)

DESCRIPTION: Cross-Border Services

As a condition to be registered to  
practice for others before the U.S.  
Patent and Trademark Office (USPTO):

(a) a patent attorney must be a U.S.  
citizen or an alien lawfully residing  
in the United States (37 C.F.R.  
10.6(a));

(b) a patent agent must be a U.S.  
citizen, an alien lawfully residing in  
the United States, or a non-resident  
who is registered to practice in a  
country that permits patent agents  
registered to practice before the  
USPTO to practice in that country (37  
C.F.R. 10.6(c)); and

(c) a practitioner in trademark and  
non-patent cases must be an attorney  
licensed in the United States, a  
"grandfathered" agent, an attorney  
licensed to practice in another  
country that accords equivalent  
treatment to attorneys licensed in the  
United States, or an agent registered  
to practice in such a country (37

DURATION: Citizenship and permanent residency requirements  
subject to removal  
within two years after entry into force of this  
Agreement in  
accordance with Article 1210(3).

=====

ANNEX I  
Schedule of the United States

SECTOR: Public Administration

SUB-SECTOR:

INDUSTRY CLASSIFICATION:

TYPE OF RESERVATION: National Treatment (Article 1102) Most-  
Favored-Nation  
Treatment (Article 1103)

LEGAL CITATION: 22 U.S.C. 2194(a), 2194(b) and 2198(c)

LEVEL OF GOVERNMENT: Federal

DESCRIPTION: Investment

The Overseas Private Investment  
Corporation (OPIC) insurance and loan  
guarantees under 22 U.S.C. 2194(a),  
2194(b) and 2198(c) are not available  
to certain aliens, foreign  
enterprises, or foreign controlled  
domestic enterprises.

DURATION: Indeterminate

=====

ANNEX I  
Schedule of the United States

SECTOR: Transportation

SUB-SECTOR: Air Transportation

INDUSTRY CLASSIFICATION: SIC 3721 Aircraft Repair and Rebuilding  
on a Factory  
Basis SIC 4581 Aircraft Repair (Except  
on a Factory  
Basis)



TYPE OF RESERVATION: Most-Favored-Nation Treatment (Article 1203)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: 49 U.S.C. App. 1354, 1421-1430 14 C.F.R. Parts 43 and 145

Agreement Concerning Airworthiness  
Certification, Exchange  
of Letters between U.S. and Canada dated August  
31, 1984,  
Treaties and International Agreement Service  
11023

DESCRIPTION: Cross-Border

For major aircraft repair, overhaul or maintenance activities, during which an aircraft is withdrawn from service, U.S. measures require that, in order to perform work on U.S.-registered aircraft, foreign air repair stations must be certified by the Federal Aviation Administration with continuing oversight provided by the Federal Aviation Administration. Pursuant to a bilateral airworthiness agreement dated August 31, 1984, as amended, between the United States and Canada, the United States recognizes the certifications and oversight provided by Canada for all repair stations and individuals performing the work located in Canada.

DURATION: Indeterminate

=====  
=====

ANNEX I  
Schedule of the United States

SECTOR: Transportation

SUB-SECTOR: Air Transportation

INDUSTRY CLASSIFICATION: 4512 Air Transportation Scheduled  
4522 Air Transportation Non-scheduled  
4513 Air Courier Services

TYPE OF RESERVATION: National Treatment (Article 1102)  
Most-Favored-Nation Treatment (Article

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: Federal Aviation Act of 1958, as amended;  
14 C.F.R. For purposes of this entry, the

Description

governs.

DESCRIPTION: Investment

Whether an entity is a U.S. citizen determines the type of commercial air services company that it can own or control. Under the Federal Aviation Act of 1958 (49 U.S.C. App. Ch. 20), "citizens" include (1) individuals who are citizens; (2) a partnership in which each member is a citizen of the U.S.; or (3) a U.S. corporation of which the president and at least two-thirds of the board of directors and other managing officers are U.S. citizens, and at least seventy-five percent of the voting interest in the corporation is owned or controlled by U.S. citizens. 49 U.S.C. App. 1301(16).

In addition, this statutory requirement has historically been interpreted by the Department of Transportation (and the Civil Aeronautics Board before it) to require that an air carrier in fact be under the actual control of U.S. citizens. The Department of Transportation makes this determination on a case-by-case basis. Nevertheless, the Department has provided guidance as to some lines of demarcation. For example, total foreign equity investment of up to 49 percent (with a maximum of 25 percent being voting stock), taken alone, is not construed as indicative of foreign control. (See Department of Transportation Order 91-1-41, January 23, 1991.)

Only air carriers that are U.S. citizens are permitted to operate domestic air services or operate

international air services as a "U.S." carrier; non-U.S. citizens may own and control foreign air carriers that operate between the U.S. and foreign points. See Sections 401, 402, 417(b)(7) and 1108 of the Federal Aviation Act. The different rights of each type of air carrier are usually spelled out in the applicable aviation bilateral agreement.

Certain distinctions based on citizenship also exist with regard to other types of air services providers, such as air freight forwarders (14 C.F.R. 297), charter operators (14 C.F.R. 380), and intermodal operators (14 C.F.R. 222).

Air freight forwarders may be "U.S. citizens" (defined as indicated above) which use the services of (inter alia) direct air carriers (with a Department of Transportation certificate, regulation, order or permit) to transport property. 14 C.F.R. Part 296. They may also be "foreign air freight forwarders", which similarly use direct air carriers to transport property. 14 C.F.R. Part 296. There is no "U.S. citizenship" requirement for "foreign air freight forwarders." 14 C.F.R. 297.3(d). Foreign air freight forwarders may obtain the same operating exemptions available to U.S. citizens. They must, however, apply for registration with the Department of Transportation. Their application can be rejected "for reasons relating to the failure of effective reciprocity, or if the Department finds that it is in the public interest to do so." 14 C.F.R. 297.22.

Charter operators may be "public charter operators", which inter alia must be "U.S. citizens" (defined as indicated above) or "foreign charter operators," for which there is not a citizenship requirement. 14 C.F.R. 380.2. Unlike domestic charter operators, "foreign charter operators" wishing to operate charters which

originate in the U.S. must register with the Department of Transportation. 14 C.F.R. 380.61. The Department of Transportation may reject a registration application "for reasons relating to the failure of effective reciprocity or if the Department finds it would be in the public interest to do so." 14 C.F.R. 380.64.

A direct foreign air carrier may engage in the surface transport of property (which it has carried by air) in a zone extending 35 miles from the boundary of the airport or city it is authorized to serve. There is no such geographic limitation on a direct U.S. air carrier, or on a U.S. or foreign indirect air carrier.

DURATION: Indeterminate

=====

# ANNEX I Schedule of the United States

SECTOR: Transportation

SUB-SECTOR: Air Transportation

INDUSTRY CLASSIFICATION: SIC 0721 Crop Planting, Cultivating,  
and Protecting

spraying, dusting (limited to aerial dusting and  
crops, with or without fertilizing,  
spraying crops, with or without fertilizing)

sightseeing SIC 4522 Air Transportation, services,  
airplane services)

Classified SIC 7319 Advertising, Not Elsewhere  
(limited to aerial advertising, sky  
writing)

service, except SIC 7335 Commercial Photography  
(limited to aerial photographic  
mapmaking)

Elsewhere Classified	SIC 7389 Business Services, Not
aerial, pipeline	(limited to mapmaking, including
firefighting	and powerline inspection services,
	service, other than forestry or public)
Clubs	SIC 7997 Membership Sports & Recreation
	(limited to aviation clubs, membership)
Not Elsewhere	SIC 8299 Schools & Education Services,
instruction)	Classified (limited to flying
aerial	SIC 8713 Surveying Services (limited to
	surveying)

TYPE OF RESERVATION: National Treatment (Articles 1102, 1202)  
Most-Favored-Nation Treatment (Articles  
1103, 1203)  
Local Presence (Article 1205)  
Senior Management (Article 1107)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: Federal Aviation Act of 1958, as amended;  
49 U.S.C. App. 1508(b); 14 C.F.R. 375. For  
purposes of this  
entry, paragraph 3 of the Description governs.

DESCRIPTION: Cross-Border Services

1. Authorization from the Department of Transportation is required for the provision of specialty air services in the territory of the United States. A person of Canada or Mexico that provides aerial construction, heli-logging, aerial sightseeing, flight training, aerial inspection and surveillance and aerial spraying services may not be authorized to provide such services if there is inadequate reciprocity on the part of the country of the applicant, or if approval would otherwise not be in the public interest.

2. A person of Mexico or Canada may be authorized to provide, subject to

compliance by that person with U.S. safety regulations, aerial mapping, aerial surveying, aerial photography, forest fire management, fire fighting, aerial advertising, glider towing and parachute jumping.

Investment

3. Specialty air enterprises are required to comply with the same requirements as those set out in the exception for air transportation carriers described in the investment exception for air transportation.

DURATION:Cross-Border

Paragraph 2 of the Description governs on entry into force.

A person of Canada or Mexico may obtain, subject to compliance with U.S. safety requirements, authorization to provide the following specialty air services in the territory of the United States:

- (a) two years after entry into force of the Agreement, aerial construction and heli-logging;
- (b) three years after entry into force of the Agreement, aerial sightseeing, flight training and aerial inspection and surveillance services; and
- (c) six years after entry into force of the Agreement, aerial spraying services.

Investment: Indeterminate

=====  
=====

# ANNEX I Schedule of the United States

SECTOR: Transportation

SUB-SECTOR: Land Transportation

INDUSTRY CLASSIFICATION: SIC 4213 Trucking, Except Local

Air SIC 4215 Courier Services, Except by  
Transportation SIC 4131 Intercity and Rural Bus  
Local SIC 4142 Bus Charter Service, Except  
interstate SIC 4151 School Buses (limited to  
activity) transportation not related to school

TYPE OF RESERVATION: National Treatment (Articles 1102, 1202)  
Most-Favored-Nation Treatment (Articles  
1103, 1203)  
Local Presence (Article 1205)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: Bus Regulatory Reform Act of 1982, as amended,  
section 6,

49 U.S.C. 10922(1) (1) and (2)  
49 U.S.C. 10530 (3)  
49 U.S.C. 10329, 10330 and 11705 and  
49 C.F.R. 1044  
19 U.S.C. 1202

States of Memorandum of Understanding Between the United  
Facilitation America and the United Mexican States on  
of Charter/Tour Bus Service, December 3, 1990.

DESCRIPTION: Cross-Border Services

Operating authority from the  
Interstate Commerce Commission (ICC)  
is required to provide interstate or  
cross border bus or truck services in  
the territory of the United States. A  
moratorium has been imposed on new  
grants of operating authority for  
persons of Mexico, except for  
provision of cross-border charter or  
tour bus services.

Under the moratorium, persons of  
Mexico without operating authority may  
operate only within ICC Border  
Commercial Zones, for which ICC  
operating authority is not required.  
Persons of Mexico providing truck  
services (including for hire, private,  
and exempt services) without operating  
authority are required to obtain a

certificate of registration from the ICC to enter the United States and operate in the ICC Border Commercial Zones. Persons of Mexico providing bus service are not required to obtain an ICC certificate of registration to provide such service within the ICC Border Commercial Zones.

A person providing bus or truck service between points in the United States is required to use United States-registered and either U.S.-built or duty-paid equipment.

#### Investment

The moratorium has the effect of being an investment restriction because enterprises of the United States providing bus or truck services that are owned or controlled by persons of Mexico may not obtain ICC operating authority.

DURATION: On entry into force of this Agreement, the Description shall govern.

#### Cross-Border Services

A person of Mexico will be permitted to obtain operating authority to provide:

- (a) three years after signature of this Agreement, cross-border truck services to or from border states (California, Arizona, New Mexico, and Texas), and such persons will be permitted to enter and depart the territory of United States through different ports of entry;
- (b) three years after entry into force of this Agreement, cross-border scheduled bus services; and
- (c) six years after entry into force of this Agreement, cross-border truck services.

#### Investment



A person of Mexico will be permitted to establish an enterprise in the United States to provide:

(a) three years after signature of this Agreement, truck services for the distribution of international cargo between points in the United States; and

(b) seven years after entry into force of this Agreement, bus services between points in the United States.

Indeterminate: The moratorium will remain in place on grants of authority for the provision of truck services by persons of Mexico between points in the United States for the transportation of goods other than international cargo.

=====

ANNEX I  
Schedule of United States

SECTOR: Transportation Services

SUB-SECTOR: Customs Brokers

INDUSTRY CLASSIFICATION: SIC 4731 Arrangement of Transportation  
of Freight  
and Cargo

TYPE OF RESERVATION: National Treatment (Articles 1102, 1202)  
Local Presence (Article 1205)

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: 19 U.S.C. 1641(b)

DESCRIPTION: Cross-Border Services and Investment

Only U.S. citizens may obtain a customs broker's license, which is required to conduct customs business on behalf of another person. A corporation, association, or partnership established under the laws of any state may receive a customs

broker's license if at least one  
officer of the corporation or  
association, or one member of the  
partnership, holds a valid customs  
broker's license.

DURATION: Indeterminate

=====

=====

ANNEX I  
Schedule of the United States

SECTOR: All

SUB-SECTOR:

TYPE OF RESERVATION: National Treatment (Article 1102)  
Most-Favored-Nation Treatment (Article  
1103)

LEGAL CITATION: Securities Act of 1933, Rules 251 and 405, 17  
C.F.R. 240.251  
and 240.405

Securities Exchange Act of 1934, Section 12(b)  
(2), 15 U.S.C.  
1(b) (2) and the Rules thereunder.

DESCRIPTION: Investment

Foreign issuers, except for certain  
Canadian issuers, may not use the  
small business forms under the  
Securities Act of 1933 to register  
securities.

DURATION: Indeterminate

=====

=====

ANNEX I  
Schedule of the United States

SECTOR:

SUBSECTOR:

INDUSTRY CLASSIFICATION: SIC 4952 Sewerage System

TYPE OF RESERVATION: Performance Requirements (Article 1106)

LEGAL CITATION: Clean Water Act, 33 U.S.C. 1251 et seq.

DESCRIPTION: Investment

The Clean Water Act authorizes grants for the construction of treatment plants for municipal sewage or industrial waste. Grant recipients may be privately-owned enterprises. The Act provides that grants shall be made for treatment works only if such articles, materials, and supplies as have been manufactured, mined or produced in the United States will be used in the treatment works. The Administrator of the Environmental Protection Agency has authority not to apply this provision, e.g., if the cost of the articles in question is unreasonable. 33 U.S.C. 1295.

DURATION: Indeterminate