

APPENDIX 1 TO ANNEX XV

COSTA RICA– SCHEDULE OF SPECIFIC COMMITMENTS REFERRED TO IN ARTICLE 4.18

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Explanatory Notes:</p> <p>1. For the purpose of this Schedule, the term “none” indicates a services sector or sub-sector where there are no terms, limitations and conditions on market access or conditions and qualifications on national treatment. The term “unbound” indicates that no national treatment or market access commitments have been made.</p> <p>2. The absence of specific reservations in a given services sector or sub-sector is without prejudice to the horizontal reservations that apply.</p> <p>3. The level of commitments in a particular services sector shall not supersede the level of commitments undertaken with respect to any other services sector to which such service is an input for the particular service or to which it is otherwise related.</p> <p>4. CPC numbers indicated in parenthesis are references to the United Nations Provisional Central Product Classification (Statistical Papers, Series M, N° 77, Provisional Central Product Classification, Department of International Economics and Social Affairs, Statistical Office of the United Nations, New York, 1991).</p> <p>5. Attachment I to this schedule forms an integral part thereof.</p>			
<p>PART I. HORIZONTAL COMMITMENTS</p>			
<p>This Part sets out those commitments that apply to trade in services in all scheduled services sectors unless otherwise specified. Those commitments that apply to trade in specific services sectors are listed in Part II.</p>			
<p>ALL SECTORS AND SUBSECTORS INCLUDED IN THIS SCHEDULE</p>			
<p>1. Treatment accorded to subsidiaries of juridical persons of an EFTA State constituted in accordance with the Costa Rican legislation and having their registered office, central administration or principal place of business within the territory of Costa Rica is not extended to branches, agencies or representative offices established in the territory of Costa Rica by a juridical person of an EFTA State.</p> <p>Treatment less favorable may be accorded to subsidiaries of a juridical person of an EFTA State constituted in accordance with the Costa Rican legislation, which have only their registered office or central administration in the territory of Costa Rica; unless it can be proved that they maintain substantive business operations in the territory of Costa Rica.</p> <p>2. Associations located abroad that would like to act in Costa Rica are obliged to constitute and maintain in the country a power of attorney; likewise, 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 branch’s business.</p> <p>3. For concessions of public works contracts and the concessions of public works with public services contracts defined in accordance with the 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 adjudicatory stays 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.¹</p>			

¹ For greater certainty, these horizontal limitations are established in Law No. 7762- General Law of Concessions of Public Works with Public Services. From the application of this law are excluded the telecommunications, electricity and health services.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>4. In the maritime-terrestrial zone defined in accordance with the Costa Rican legislation shall not be developed any activity in the public zone. Concessions shall be granted only in the restricted zone, nevertheless concessions shall not be granted to:</p> <ul style="list-style-type: none"> (a) foreigners 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 foreigners; and (e) enterprises where more than 50 percent of the capital shares or stocks are owned by foreigners. <p>The entities or its partners that have concessions shall not yield or transfer quotas or shares to foreigners.</p> <p>Only Costa Rican natural or juridical persons that may have concessions shall intervene in touristic developments in the maritime-terrestrial zone or with access to it. Likewise, foreign entities shall intervene as long as they are tourism enterprises, whose development capital belongs in more than 50 percent to Costa Ricans.</p> <p>Excluding land that is under private domain and has legitimate title, all other land comprised within the 2.000 meters wide alongside Costa Rica's borders with Nicaragua and Panama is inalienable and cannot be acquired by <i>denuncio</i> or possession. In case of natural persons, a foreign national must have permanent resident status in Costa Rica, with a certification issued by the General Directorate of Migration and Alien Affairs, to lease these lands. In case of juridical persons, which capital stock belongs to foreign nationals in more than 50 percent, the permanent resident requirement applies for the foreign national owners.</p>		
	<p>5. An enterprise established in the Free Zone in Costa Rica may introduce into Costa Rica's customs territory up to twenty five percent of its total sales. However, in the case of exporter industries and services enterprises, they may introduce into Costa Rica's customs territory a maximum percentage of 50 percent.</p> <p>A non-producer exporter commercial enterprise, established in the Free Zone in Costa Rica that simply handles, re-packs or redistributes non-traditional goods and products for exportation or re-exportation, cannot introduce any percentage of its total sales into Costa Rica's customs territory.</p>		
	<p>6. Only the professional services suppliers duly incorporated to the respective professional association in Costa Rica are authorised to practice the profession in the Costa Rican territory, including advisory and consulting. Incorporation is subject to nationality and residency requirements at the time of applying for membership. 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>7. Costa Rica reserves the right to adopt or maintain any measure:</p> <ul style="list-style-type: none"> (a) that grants rights or preferences to social or economic groups under disadvantage or to native groups; (b) with respect to the provision of law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public sewage services, and water supply services. 		
	<p>8. In services included in this Schedule, any market access and national treatment limitations maintained at local governments' level are consolidated; nevertheless such limitations are not scheduled.</p>		
	<p>9. Costa Rica reserves the right to adopt or maintain any measure with respect to subsidies except to the extent committed by Costa Rica under the GATS.</p>		
	<p>10. Unbound, except for measures concerning the entry and temporary stay of business persons falling within the categories defined in paragraphs A, B and C below. A business person means a natural person of a Party engaged in trading goods, providing services or conducting activities related to commercial presence. Authorisation is granted subject to the limitations and conditions set out herein and in the migratory and labour regulations for entry of natural persons into, or their temporary stay in, its territory, including</p>		

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>those necessary to ensure border security, the orderly movement of natural persons across its borders and to protect the domestic labour force and permanent employment in their respective territories. The sole fact of requiring a visa for a natural person shall not be regarded as nullifying or impairing benefits under this Agreement. The national relevant professional bodies may adopt or maintain at their discretion requirements, standards or criteria for the authorisation, licensing or certification for the exercise of a profession. Numerical quotas and economic needs tests are required for categories A, B and C. Any limitations scheduled for specific sectors and subsectors shall also apply.</p>			
<p>A- Business visitors: a natural person of a Party engaged in trading goods, providing services or conducting activities related to commercial presence; seeking to engage in one of the following business activities in the territory of Costa Rica:</p>			
<ul style="list-style-type: none"> (a) Meetings and Consultations: Business persons attending meetings, seminars or conferences, or engaged in advising clients. (b) Research and Design: Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in an EFTA State. (c) Manufacture and Production: Purchasing and production management personnel conducting commercial transactions for an enterprise located in an EFTA State. (d) Marketing: Market researchers and analysts conducting independent research or analysis or research or analysis for an enterprise located in an EFTA State. Trade-fair and promotional personnel attending a trade convention. (e) Sales: Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in an EFTA State but not delivering goods or providing services. Buyers purchasing for an enterprise located in an EFTA State. (f) Distribution: Customs brokers that provide advisory services in order to facilitate the import or export of goods. (g) After-Sales Services: Installers, repair, maintenance and supervising personnel, that have specialised knowledge essential to a seller's contractual obligation, and that supplies services or trains workers to perform those services pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside of Costa Rica, during the warranty period or service agreement. (h) General Services: <ul style="list-style-type: none"> - Managing and supervision personnel engaging in business operations for an enterprise located in an EFTA State. - Public relations and advertising personnel that supply consulting services to clients or participating in conventions. - Cooking specialists that attend or participate in gastronomic events or exhibitions, which train or advise clients in matters related to gastronomy in the territory of the other Party. - Translators or interpreters that supply services as personnel of an enterprise located in an EFTA State, except for those services that in accordance with the legislation of Costa Rica must be provided by authorised translators. - Services suppliers of information and communication technologies that attend meetings, seminars or conferences; or undertaking consultancies. - Sellers and advisors in franchise development that wish to offer their services in Costa Rica. 			
<p>For that category, the periods of stay and sojourn, are limited to:</p>			
<ul style="list-style-type: none"> (a) An initial stay of one day to 90 days. (b) Request for sojourn: one year with the option to extend up to two additional years. 			
<p>B- 1. Traders: A business person in a capacity that is supervisory, executive or that involves essential skills, seeking to carry on substantial trade in goods or services principally between an EFTA State and Costa Rica.</p>			
<p>For that category, the periods of stay and sojourn, are limited to:</p>			

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(a) An initial stay of one day to 90 days.</p> <p>(b) Request for sojourn: one year with the option to extend up to two additional years.</p> <p>B- 2. Investors: a natural person seeking to supply services through commercial presence in which that person has committed, or is in the process of committing, a substantial amount of capital, amount which is determined by domestic law.</p> <p>For that category, the period of stay is limited to from 90 days to two years, with the option to extend up to two additional years.</p> <p>C- Intra-Corporate Transferees: A business person employed by an enterprise located in an EFTA State who is transferred to perform as an executive, manager or specialist in that enterprise's parent entity or subsidiary, provided that the business person and that enterprise complies with existing immigration measures applicable to temporary entry. Costa Rica may require the business person to have been employed continuously by the enterprise for one year within the three-year period immediately preceding the date of the application for admission.</p> <p>For that category, the period of stay is limited to one year with the option to extend up to two additional years.</p>		
<p>PART II. SECTOR SPECIFIC COMMITMENTS</p>			
<p><u>1. BUSINESS SERVICES</u></p> <p>1. Shall not be permanently removed from State ownership any power that may be obtained from public waters within the national territory; deposits of coal, wells and deposits of oil and any other hydrocarbons, as well as any deposits of radioactive minerals existing within the national territory; and wireless services. They may be exploited only by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited time and on the basis of conditions and stipulations to be established by the Legislative Assembly.</p> <p>2. National railroads, ports, and airports – the latter while in use – may not be sold, leased or encumbered, directly or indirectly, or be otherwise removed from State ownership and control. The railroads, railways, docks and international airports, new or existing, as well as the services there supplied, shall only be granted in concession through the stipulated proceedings in the national legislation. In the case of Limón, Moín, Caldera and Puntarenas ports shall only be given in concession the new works or the additions that are being done, not the existing ones. All enterprises holding railroads, ports or airports concessions must be constituted under Costa Rican legislation and domiciled in Costa Rica.</p> <p>3. Services considered as public services, as defined and regulated in its national laws and regulations, may be subject to a public monopoly or to exclusive rights granted to natural persons or juridical persons, public or private. To be a public service supplier the respective concession or permit shall be obtained from the competent public entity. Are excluded from this obligation the institutions and public enterprises that, as a legal mandate, supply any of these services. The suppliers shall not have any monopolistic right over a public service that they exploit and shall be subject to the limitations and changes imposed by the legislation. New concessions, permits or authorisations shall be granted as long as the demand of services justifies it, or that those services could be offered in better conditions for the user. Priority shall be given to the concessionaires that are supplying the service. State monopolies created by law or granted in administration, are excluded from the above mentioned.</p>			

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. Professional services			
(a) Legal services (CPC 861, excluding Costa Rican law practice, legal advisory and legal documentation and certification services supplied by legal professionals entrusted with public functions, such as notaries)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Incorporation to the Professional Association of Lawyers is subject to nationality and residency requirements at the time of applying for membership. 2) None 3) Incorporation to the Professional Association of Lawyers is subject to nationality and residency requirements at the time of applying for membership. 4) Unbound except as indicated in horizontal commitments.	
(b) Accounting, auditing and bookkeeping services (CPC 862)	1) To provide public accountancy services foreign juridical persons shall only offer services and practice through Costa Rican professionals or offices. 2) None 3) To provide public accountancy services foreign juridical persons shall only offer services and practice through Costa Rican professionals or offices.	1) For incorporation to the Professional Association of Public Accountants foreign public accountants must have the migratory status of residents in Costa Rica at the time of applying for membership, as well as a minimum of five years of residence. Nationality requirement within two years of incorporation before the Professional Association of Public Accountants. Incorporation to the Professional Association of Private Accountants is subject to nationality and residency requirements at the time of applying for membership. 2) None 3) For incorporation to the Professional Association of Public Accountants foreign public accountants must have the migratory status of residents in Costa Rica at the time of applying for membership, as well as a minimum of five years of residence. Nationality requirement within two years of incorporation before the Professional Association of Public Accountants.	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Unbound except as indicated in horizontal commitments.	<p>Incorporation to the Professional Association of Private Accountants is subject to nationality and residency requirements at the time of applying for membership.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
(c) Taxation services (CPC 863) ²	<p>1) Unbound</p> <p>2) None</p> <p>3) Partnerships with Costa Rican natural or juridical persons are required.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) Nationality or residency requirements.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
(d) Architectural services (CPC 8671)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.</p> <p>2) None</p> <p>3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	

² Does not include legal advisory and legal representation services on tax matters, which are to be found in Business services under I.A.(a).

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Engineering services (CPC 8672)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership. 2) None 3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership. 4) Unbound except as indicated in horizontal commitments.	
(f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership. 2) None 3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership. 4) Unbound except as indicated in horizontal commitments.	
(g) Urban planning services (except general urban planning) (part of CPC 8674)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership. 2) None 3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership. 4) Unbound except as indicated in horizontal commitments.	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Medical and dental services (CPC 9312)	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) Incorporation to the Professional Association of Physicians and Surgeons is subject to nationality and residency requirements at the time of applying for membership. Foreign physicians, surgeons and specialists on fields related to medical sciences shall only be hired by State institutions only if Costa Rican physicians are not willing to provide their services under the conditions required by such institutions. For incorporation to the Professional Association of Dental Surgeons foreign dental surgeons must have the migratory status of residents in Costa Rica at the time of applying for membership, as well as a minimum of five years of residence before or after their studies. Foreign dental surgeons shall only be hired by State institutions only if Costa Rican physicians are not willing to provide their services under the conditions required by such institutions.</p> <p>2) None</p> <p>3) Incorporation to the Professional Association of Physicians and Surgeons is subject to nationality and residency requirements at the time of applying for membership. Foreign physicians, surgeons and specialists on fields related to medical sciences shall only be hired by State institutions only if Costa Rican physicians are not willing to provide their services under the conditions required by such institutions. For incorporation to the Professional Association of Dental Surgeons foreign</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>4) Unbound except as indicated in horizontal commitments.</p>	<p>dental surgeons must have the migratory status of residents in Costa Rica at the time of applying for membership, as well as a minimum of five years of residence before or after their studies. Foreign dental surgeons shall only be hired by State institutions only if Costa Rican physicians are not willing to provide their services under the conditions required by such institutions.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
<p>B. Computer and Related Services (CPC 84)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Research and Development Services (R&D)			
(a) R&D services on natural sciences (CPC 851)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) Foreign nationals or enterprises domiciled abroad that supply scientific research and bioprospecting³ services with regard to biodiversity⁴ in Costa Rica shall designate a legal representative that resides in Costa Rica. A licence 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> <p>2) None</p> <p>3) Foreign nationals or enterprises domiciled abroad that supply scientific research and bioprospecting⁵ services with regard to biodiversity⁶ in Costa Rica shall designate a legal representative that resides in Costa Rica. A licence 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 licence.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	

³ “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.

⁴ “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

Sector or subsector	Limitations on Market Access		Limitations on National Treatment		Additional Commitments
(b) R&D services on social sciences and humanities (CPC 852)	1)	None	1)	None	
	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in horizontal commitments.	4)	Unbound except as indicated in horizontal commitments.	
(c) Interdisciplinary R&D services (CPC 853)	1)	None	1)	None	
	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in horizontal commitments.	4)	Unbound except as indicated in horizontal commitments.	
D. Real Estate Services					
(a) Involving own or leased property (CPC 821)	1)	None	1)	None	
	2)	None	2)	None	
	3)	None	3)	None	
(b) On a fee or contract basis (CPC 822)	4)	Unbound except as indicated in horizontal commitments.	4)	Unbound except as indicated in horizontal commitments.	

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.

⁵ “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.

⁶ “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 or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operators			
(a) Relating to ships (CPC 83103)	1) Vessels must have Costa Rican flag and must be registered in Costa Rica. 2) None 3) Vessels must have Costa Rican flag and must be registered in Costa Rica. Costa Rica limits the granting of touristic contracts and incentives based on the contribution to the balance of payments, the use of national raw material and inputs, the creation of direct and indirect jobs, the effects on regional development, the modernization and diversification of the national touristic offer, the increases of the internal and international touristic demand and the benefits reflecting on other sectors. 4) Unbound except as indicated in horizontal commitments.	1) Only Costa Rican nationals, national public entities, enterprises constituted and domiciled in Costa Rica, and shipping company representatives can register vessels in Costa Rica. All natural persons or enterprises established abroad that own one or more foreign registered vessels located in Costa Rica, shall appoint and maintain an agent or legal representative in Costa Rica, to act as liaison with the official authorities in all vessel-related matters. 2) None 3) Only Costa Rican nationals, national public entities, enterprises constituted and domiciled in Costa Rica, and shipping company representatives can register vessels in Costa Rica. All natural persons or enterprises established abroad that own one or more foreign registered vessels located in Costa Rica, shall appoint and maintain an agent or legal representative in Costa Rica, to act as liaison with the official authorities in all vessel-related matters. 4) Unbound except as indicated in horizontal commitments.	
(c) Relating to other transport equipment			
(c) 1. Relating to private cars (CPC 83101) (c) 2. Relating to other land transport equipment (CPC 83105)	1) None 2) None 3) Costa Rica limits the granting of touristic contracts and incentives based on the contribution to the balance of payments, the use of national raw material and inputs, the creation of direct and indirect	1) None 2) None 3) None	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>jobs, the effects on regional development, the modernisation and diversification of the national touristic offer, the increases of the internal and international touristic demand and the benefits reflecting on other sectors.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>4) Unbound except as indicated in horizontal commitments.</p>	
(c) 3. Relating to goods transport vehicles (CPC 83102)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
(d) Relating to other machinery and equipment (CPC 83106-83109)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
(e) Other (CPC 832 except for CPC 83202)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
F. Other Business Services			
(a) Advertising services (CPC 871)	<p>1) May only exploit media and advertising agencies natural persons or enterprises in the form of sole proprietorship/personal companies (<i>sociedades personales</i>) or enterprises of capital with nominative stocks. Such sociedades shall be registered in the <i>Registro Público</i>. It is absolutely forbidden to encumber shares and quotas of a company owning any media or advertising agency in favor of corporations (<i>sociedades anónimas</i>) with bearer shares (<i>acciones al portador</i>), or of natural or juridical foreign persons. Radio, television and cinema programs</p>	<p>1) Broadcasters of commercial breaks for cinema, radio and television shall register in the Department of Radio of the Ministry of Environment, Energy and Telecommunications. Foreign broadcasters shall be residents in order to register in the Department of Radio. The broadcasting of commercial breaks in which the broadcasters is not registered as provided by the <i>Reglamento a la Ley General de Telecomunicaciones</i>, shall not be authorised. Commercial breaks (<i>cuñas</i>), spots and filmed commercials used in programs</p>	

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	<p>must observe the following rules:</p> <ul style="list-style-type: none"> • If the commercials consist of jingles recorded abroad, a lump sum must be paid every time the commercial is aired transmitted. • Only 30 percent of the commercials that project daily each television station or cinema may originate from abroad. • Importation of commercials from outside the Central American region must pay a tax of 100 percent of its value.⁷ • The number of radio programs and radio soap operas recorded abroad may not exceed 50 percent of the total number aired per radio station per day. • The number of programs filmed or videotaped abroad may not exceed 60 percent of the total number of programs projected per day. <p>2) None</p> <p>3) May only exploit media and advertising agencies natural persons or enterprises in the form of sole proprietorship/personal companies (<i>sociedades personales</i>) or enterprises of capital with nominative stocks. Such sociedades shall be registered in the <i>Registro Público</i>. It is absolutely forbidden to encumber shares and quotas of a company owning any media or advertising agency in favor of corporations (<i>sociedades anónimas</i>) with bearer shares (<i>acciones al portador</i>), or of natural or juridical foreign persons. Radio, television and cinema programs must observe the following rules:</p>	<p>sponsored by the State's autonomous or semi-autonomous institutions, the Government of the Republic and all entities supported by the State, shall be produced by nationals.</p> <p>2) None</p> <p>3) Broadcasters of commercial breaks for cinema, radio and television shall register in the Department of Radio of the Ministry of Environment, Energy and Telecommunications. Foreign broadcasters shall be residents in order to register in the Department of Radio. The broadcasting of commercial breaks in which the broadcasters is not registered as provided by the <i>Reglamento a la Ley General de Telecomunicaciones</i>, shall not be authorised. Commercial breaks (<i>cuñas</i>), spots and filmed commercials used in programs sponsored by the State's autonomous or</p>	

⁷ Shall be considered nationals the commercial breaks produced and edited in Costa Rica and in the Central America countries.

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	<ul style="list-style-type: none"> • If the commercials consist of jingles recorded abroad, a lump sum must be paid every time the commercial is aired transmitted. • Only 30 percent of the commercials that project daily each television station or cinema may originate from abroad. • Importation of commercials from outside the Central American region must pay a tax of 100 percent of its value.⁸ • The number of radio programs and radio soap operas recorded abroad may not exceed 50 percent of the total number aired per radio station per day. • The number of programs filmed or videotaped abroad may not exceed 60 percent of the total number of programs projected per day. <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>semi-autonomous institutions, the Government of the Republic and all entities supported by the State, shall be produced by nationals.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
(b) Market research and public opinion polling services (CPC 864)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
(c) Management consulting services (CPC 865)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
(d) Services related to management consulting (CPC 866)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	

⁸ Shall be considered nationals the commercial breaks produced and edited in Costa Rica and in the Central America countries.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Advisory and consulting services incidental to agriculture, hunting and forestry (part of CPC 881) (g) Advisory and consulting services incidental to fishing (part of CPC 882)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Foreign nationals or enterprises domiciled abroad that supply scientific research and bioprospecting ⁹ services with regard to biodiversity ¹⁰ in Costa Rica shall designate a legal representative that resides in Costa Rica. A licence 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 licence. 2) None 3) Foreign nationals or enterprises domiciled abroad that supply scientific research and bioprospecting ¹¹ services with regard to biodiversity ¹² in Costa Rica shall designate a legal representative that resides in Costa Rica. A licence 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 licence. 4) Unbound except as indicated in horizontal commitments.	
(h) Services incidental to mining	1) Unbound	1) Unbound	

⁹ “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.

¹⁰ “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 or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 883+5115)	2) None 3) Unbound 4) Unbound except as indicated in horizontal commitments.	2) None 3) Unbound 4) Unbound except as indicated in horizontal commitments.	
(i) Advisory, consulting and installation services incidental to manufacturing (part of CPC 884 except for CPC 88442; and part of CPC 885)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
(k) Placement and supply services of Personnel			
(k) 1. Executive search services (CPC 87201)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
(k) 2. Placement services of office support personnel and other workers (CPC 87202)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
(k) 3. Supply services of office support personnel (CPC 87203)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
(m) Related scientific and technical consulting services (CPC 8675 except for CPC 86751)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	

¹¹ “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.

¹² “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 or subsector	Limitations on Market Access		Limitations on National Treatment		Additional Commitments
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, 8861, 8862, 8864, 8865 and 8866)	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	
(o) Building-cleaning services (CPC 874)	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	
(p) Photographic services (CPC 875 except for CPC 87504)	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	
(q) Packaging services (CPC 876)	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	
(r) Printing, publishing (CPC 88442)	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	
(s) Convention services (part of CPC 87909)	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	
(t) Other					
(t) 1. Translation and interpretation services (CPC 87905, except for official translation and interpretation)	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	1) 2) 3) 4)	None None None Unbound except as indicated in horizontal commitments.	
(t) 2. Interior design and other specialty design services	1) 2)	None None	1) 2)	None None	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 87907)	3) None 4) Unbound except as indicated in horizontal commitments.	3) None 4) Unbound except as indicated in horizontal commitments.	
<u>2. COMMUNICATION SERVICES</u>			
<p>Services considered as public services, as defined and regulated in its national laws and regulations, may be subject to a public monopoly or to exclusive rights granted to natural persons or juridical persons, public or private. To be a public service supplier the respective concession or permit shall be obtained from the competent public entity. Are excluded from this obligation the institutions and public enterprises that, as a legal mandate, supply any of these services. The suppliers shall not have any monopolistic right over a public service that they exploit and shall be subject to the limitations and changes imposed by the legislation. New concessions, permits or authorisations shall be granted as long as the demand of services justifies it, or that those services could be offered in better conditions for the user. Priority shall be given to the concessionaires that are supplying the service. State monopolies created by law or granted in administration, are excluded from the above mentioned.</p>			
B. Courier services (CPC 75121, except for the services reserved to the State and its enterprises in accordance with the national legislation)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
<u>C. Telecommunications services:</u> as defined in Attachment to this Schedule	1) Unbound 2) None 3) In Costa Rica, wireless services shall not be permanently removed from State ownership and they may be exploited only by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited time and on the basis of conditions and stipulations to be established by the Legislative Assembly. Concessions, authorisations and permits shall be required to supply telecommunications services in Costa Rica. Economic needs tests are required to grant such concessions, authorisations and permits. A special concession granted by the Legislative Assembly to supply basic traditional telephony services is required Participation in the capital of enterprises constituted or acquired by the <i>Instituto Costarricense de Electricidad</i> shall be	1) Unbound 2) None 3) None	Costa Rica undertakes additional commitments as contained in Attachment I to this Schedule.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>limited to 49 percent. The <i>Empresa de Servicios Públicos de Heredia</i> can establish joint ventures with persons established under public or private law, provided that the latter have a minimum of 51 percent of Costa Rican capital.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>4) Unbound except as indicated in horizontal commitments.</p>	
<p><u>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</u></p>			
<p>1. Shall not be permanently removed from State ownership any power that may be obtained from public waters within the national territory; deposits of coal, wells and deposits of oil and any other hydrocarbons, as well as any deposits of radioactive minerals existing within the national territory; and wireless services. They may be exploited only by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited time and on the basis of conditions and stipulations to be established by the Legislative Assembly.</p> <p>2. National railroads, ports, and airports – the latter while in use – may not be sold, leased or encumbered, directly or indirectly, or be otherwise removed from State ownership and control. The railroads, railways, docks and international airports, new or existing, as well as the services there supplied, shall only be granted in concession through the stipulated proceedings in the national legislation. In the case of Limón, Moín, Caldera and Puntarenas ports shall only be given in concession the new works or the additions that are being done, not the existing ones. All enterprises holding railroads, ports or airports concessions must be constituted under Costa Rican legislation and domiciled in Costa Rica.</p> <p>3. Services considered as public services, as defined and regulated in its national laws and regulations, may be subject to a public monopoly or to exclusive rights granted to natural persons or juridical persons, public or private. To be a public service supplier the respective concession or permit shall be obtained from the competent public entity. Are excluded from this obligation the institutions and public enterprises that, as a legal mandate, supply any of these services. The suppliers shall not have any monopolistic right over a public service that they exploit and shall be subject to the limitations and changes imposed by the legislation. New concessions, permits or authorisations shall be granted as long as the demand of services justifies it, or that those services could be offered in better conditions for the user. Priority shall be given to the concessionaires that are supplying the service. State monopolies created by law or granted in administration, are excluded from the above mentioned.</p>			
<p>A. General construction work for buildings (CPC 512)</p> <p>B. General construction work for civil engineering (CPC 513 except for CPC 5136 and CPC 5139)</p> <p>C. Installation and assembly work (CPC 514 and 516)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Building completion and finishing work (CPC 517) E. Other (CPC 511 except for CPC 5115; CPC 515 and CPC 518 ¹³)			
4. DISTRIBUTION SERVICES (excluding distribution of arms, munitions, explosives and other war material) 1. Shall not be permanently removed from State ownership any power that may be obtained from public waters within the national territory, the deposits of coal, wells and deposits of oil and any other hydrocarbons, as well as any deposits of radioactive minerals existing within the national territory. They may be exploited only by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited time and on the basis of conditions and stipulations to be established by the Legislative Assembly. 2. Services considered as public services, as defined and regulated in its national laws and regulations, may be subject to a public monopoly or to exclusive rights granted to natural persons or juridical persons, public or private. To be a public service supplier the respective concession or permit shall be obtained from the competent public entity. Are excluded from this obligation the institutions and public enterprises that, as a legal mandate, supply any of these services. The suppliers shall not have any monopolistic right over a public service that they exploit and shall be subject to the limitations and changes imposed by the legislation. New concessions, permits or authorisations shall be granted as long as the demand of services justifies it, or that those services could be offered in better conditions for the user. Priority shall be given to the concessionaires that are supplying the service. State monopolies created by law or granted in administration, are excluded from the above mentioned.			
A. Commission agents' services (CPC 621 except for CPC 62112, 62113, 62117 and 62118)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
B. Wholesale trade services (CPC 622 except for CPC 62213, 6222, 6225 and 6227)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
C. Retailing services (CPC 631 except for CPC 63107 and 63108)(CPC 632 except for CPC 63211)	1) None 2) None 3) None	1) None 2) None 3) None	

¹³ Coverage of CPC 518 is limited only to the rental and leasing services of construction and/or demolition machines with operator which are owned and used by foreign construction enterprises in their supply of services.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
and 63297) (CPC 6111, 6113 and 6121)	4) Unbound except as indicated in horizontal commitments.	4) Unbound except as indicated in horizontal commitments.	
D. Franchising (CPC 8929)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
5. EDUCATIONAL SERVICES (only services that are wholly privately funded)			
A. Primary education services (CPC 921) B. Secondary education services (CPC 922) C. Higher education services (CPC 923) D. Adult education services (CPC 924)	1) Unbound for CPC 923. 2) None 3) Unbound for CPC 923. 4) Unbound except as indicated in horizontal commitments.	1) Unbound for CPC 923. 2) None 3) Unbound for CPC 923. 4) Unbound except as indicated in horizontal commitments.	
6. ENVIRONMENTAL SERVICES Services considered as public services, as defined and regulated in its national laws and regulations, may be subject to a public monopoly or to exclusive rights granted to natural persons or juridical persons, public or private. To be a public service supplier the respective concession or permit shall be obtained from the competent public entity. Are excluded from this obligation the institutions and public enterprises that, as a legal mandate, supply any of these services. The suppliers shall not have any monopolistic right over a public service that they exploit and shall be subject to the limitations and changes imposed by the legislation. New concessions, permits or authorisations shall be granted as long as the demand of services justifies it, or that those services could be offered in better conditions for the user. Priority shall be given to the concessionaires that are supplying the service. State monopolies created by law or granted in administration, are excluded from the above mentioned.			
A. Sewage services (CPC 9401) B. Refuse disposal services (CPC 9402) C. Sanitation and similar services (CPC 9403) D. Other	1) Unbound, except for consulting services. 2) None 3) Unbound 4) Unbound except as indicated in horizontal commitments.	1) Unbound, except for consulting services. 2) None 3) Unbound 4) Unbound except as indicated in horizontal commitments.	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> - Cleaning services of exhaust gases (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental protection services (CPC 9409) 			
<p>7. FINANCIAL SERVICES</p>			
<p>1. The commitments taken in Modes 1 and 2 do not oblige Costa Rica to permit financial services suppliers of the EFTA States to do business or solicit in the territory of Costa Rica. Costa Rica may define “doing business” and “solicitation”, provided that such definitions shall not be inconsistent with the commitments taken in Modes 1 and 2.</p> <p>2. Without prejudice to other means of prudential regulation of cross-border trade in financial services, Costa Rica may require the registration of cross-border financial service suppliers of the EFTA States and of financial instruments.</p> <p>3. In the case of financial services, the differentiated treatment that is set out in the Costa Rican legislation in favour of the State, commercial state banks and other public institutions, with regard to private banks and financial private institutions (Costa Rican or foreign capital) or another State, does not constitute a reservation on market access and national treatment.</p> <p>4. Costa Rica reserves the right to adopt or maintain any measure with respect to subsidies.¹⁴</p>			
<p>A. Insurance and insurance-related services</p>	<p>1) Unbound except none for:</p> <ul style="list-style-type: none"> (a) insurance of risks relating to: <ul style="list-style-type: none"> (i) space launching and freight (including satellite), maritime shipping and commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising therefrom; and (ii) goods in international transit; (b) retrocession and reinsurance; (c) services necessary to support global accounts;¹⁵ 	<p>1) Unbound except as indicated in the market access column.</p>	

¹⁴ This limitation substitutes the horizontal limitation 9 of Part I.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(d) services auxiliary to insurance as referred to in subparagraph (iv) of the definition of financial service;¹⁶</p> <p>(e) insurance intermediation such as brokerage and agency as referred to in subparagraph (iii) of the definition of financial service;¹⁷ and</p> <p>(f) surplus lines.¹⁸</p> <p>2) None, except for compulsory automobile insurance and occupational risk insurance.</p> <p>3) Incorporation is required except for insurance and reinsurance companies. On a non-discriminatory basis, doing business and solicitation shall be prohibited for representation offices.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>2) None</p> <p>3) The State guarantees the insurance activity of the <i>Instituto Nacional de Seguros</i> (INS).</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
B. Banking and other financial services (excluding insurance)	<p>1) Unbound except none for:</p> <p>(a) the provision and transfer of financial information and financial data processing and related software as referred to in subparagraph (xv) of the definition of financial service, and</p> <p>(b) advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services</p>	<p>1) Unbound except as indicated in the market access column.</p>	

¹⁵ For purposes of this subclause:

(a) services necessary to support global accounts means that the coverage of a master (global) insurance policy written in a territory other than Costa Rica for a multinational client by an insurer of a Party extends to the operations of the multinational client in Costa Rica; and

(b) a multinational client is any foreign enterprise majority owned by a foreign manufacturer or service provider doing business in Costa Rica.

¹⁶ This clause applies only to the lines of insurance of risks relating to subparagraphs (a), (b) and (c) of this paragraph or of insurance products registered before the General Superintendency of Insurances (SUGESE).

¹⁷ This clause applies only to the lines of insurance of risks relating to subparagraphs (a), (b) and (c) of this paragraph or of insurance products registered before the General Superintendency of Insurances (SUGESE).

¹⁸ Surplus lines are defined as insurance coverage not available from an admitted company in the regular market.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>as referred to in subparagraph (xvi) of the definition of financial service.¹⁹</p> <p>2) None</p> <p>3) Non-bank financial companies may not provide financial leasing services, since there are legal restrictions on the acquisition of movable and immovable property by such entities. Only the <i>Banco Popular y de Desarrollo Comunal</i> will manage the funds of the mandatory contributions made by employers and employees pursuant to respective legislation. Costa Rica reserves the right to adopt or maintain measures requiring the incorporation in Costa Rica of foreign financial services suppliers²⁰. In the case of financial entities authorised to receive deposits from the public in Costa Rica, such as private banks, non-bank financial enterprises and savings and credit cooperatives are required to be constituted or organised under Costa Rican law.</p>	<p>2) None</p> <p>3) The State guarantees the liabilities of the State Banks and of the non-State banks of Public Law. Private banks that operate current accounts and saving sections have to meet the following requirements:</p> <p>(a) To maintain permanently a minimum loan balance with the state bank that administers the fondo de crédito para el desarrollo equivalent to seventeen percent of total short-term deposits (thirty days or less), once the corresponding reserve is deducted, both in domestic and foreign currencies. Such funds will be placed at a rate equivalent to fifty percent of either the basic passive rate calculated by the <i>Banco Central de Costa Rica</i> for domestic currency, or the LIBOR rate at a one month term for foreign currency.</p> <p>(b) Alternatively, to establish at least four agencies or branches to provide basic banking services –</p>	

¹⁹ It is understood that advisory services includes portfolio management advice but not includes portfolio management or other services related to portfolio management, and that auxiliary services does not include those services referred to in subparagraphs (v) through (xv) of the definition of financial service.

²⁰ This limitation covers new financial services, for section A and B of Financial Services sector.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>both passive and active – in the following regions: Chorotega, Central Pacific, Brunca, Atlantic Huetar, and North Huetar, dedicating at least ten percent, once the corresponding reserve has been deducted, of total short-term deposits (thirty days or less), in domestic or foreign currency, to credits for programs designated by the <i>Consejo Rector del Sistema de Banca para el Desarrollo</i>, with such funds to be placed at a rate not higher than the basic passive rate calculated by the <i>Banco Central de Costa Rica</i>, in its placements in domestic currency (colones), and the LIBOR rate at a one-month term, for resources in foreign currency.</p> <p>The State and public institutions with state character, as well as the public institutions the equity of which belongs mainly to the State or its institutions, may only make deposits and operations in current and savings accounts through State commercial banks and non-State banks of Public Law.</p> <p>At least 10 Costa Rican co-operative organisations are required to establish and operate a co-operative bank.</p> <p>At least 25 Costa Rican solidarity associations are required to establish and operate a solidarity bank.</p> <p>The fiduciary of the <i>Fideicomiso Nacional para el Desarrollo</i> (Finade) shall be a public bank, selected through a public bid process in which only the public banks are</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>4) Unbound except as indicated in horizontal commitments.</p>	<p>allowed to participate. Trust agreements of the National Telecommunication Fund (<i>Fondo Nacional de Telecomunicaciones</i>) shall be signed with public banks of the National Banking System. The issues of Costa Rican enterprises classified as small and medium ones, registered at the <i>Ministerio de Economía, Industria y Comercio</i>, may register for restricted public offer. The risk capital funds (<i>fondos de capital de riesgo</i>) can invest in stock securities of private offer of promoted Costa Rican enterprises, as in other financial instruments of private offer issued by these companies. Only can be a fiduciary of a trust of development of public works the banks subject to the supervision of SUGEF, and the international financial organisations with the participation of the Costa Rican State. The issues of debt and convertible bonds are subject to the requirement of obligatory rating, except the issues of State securities and of non-banking Costa Rican public institutions.</p> <p>4) Unbound except as indicated in horizontal commitments and it is necessary to be Costa Rican or having legal residency in the country to obtain the credential to be an exchange agent.</p>	
<u>9. TOURISM AND TRAVEL RELATED SERVICES</u>			
A. Hotel and restaurants	1) Unbound except none for catering (CPC	1) Unbound except none for catering (CPC	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(including catering) (CPC 641-643) ²¹	<p>6423).</p> <p>2) None</p> <p>3) The activities of rural communitarian tourism can only be carried out by enterprises incorporated in Costa Rica as associations or rural zone self-managing cooperatives, in accordance with Costa Rican legislation.</p> <p>Economic needs tests are required. Main criteria: population and geographical density.</p> <p>Costa Rica limits the granting of touristic contracts and incentives based on the contribution to the balance of payments, the use of national raw material and inputs, the creation of direct and indirect jobs, the effects on regional development, the modernisation and diversification of the national touristic offer, the increases of the internal and international touristic demand and the benefits reflecting on other sectors</p> <p>Licences are required for retail commercialisation of alcoholic beverages by natural and juridical persons. The licences shall be granted by the municipality where the business is placed. Licences are classified in five classes (A, B, C, D and E)²² and shall be valid for five</p>	<p>6423).</p> <p>2) None</p> <p>3) None</p>	

²¹ The supply of services in train transport facilities is excluded.

²² For transparency, hereby is included a short description of the type of activities and businesses that each licenses include:

- License A: businesses where alcoholic beverages are commercialized, but cannot be consumed on premises.
- License B: businesses where alcoholic beverages are commercialized and can be consumed on premises, such as *cantinas*, bars, taverns, ballrooms, discos, nightclubs and cabarets.
- License C: businesses where alcoholic beverages are commercialized and can be consumed on premises with food.
- License D: minimarkets and supermarkets.
- License E: activities and enterprises declared of touristic interest by the Costa Rican Institute of Tourism (ICT).

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>years, automatically extendable for equal periods, and cannot be sold, exchanged, leased, transferred, passed on, alienated or negotiated in any way. Licences shall be granted subject to the following criteria:</p> <ul style="list-style-type: none"> (a) The provisions of the relevant urban plan (<i>plan regulador</i>) or, in its place, of other norm in force. (b) The provisions relative to the use of land. (c) Convenience, rationality, proportionality, reasonability, superior interest of minors, social risk and balanced development of the <i>cantón</i>, as well as respect of freedom of commerce and the right to health; for this, the municipalities may count with the collaboration of the Ministry of Health and the Institute of Alcoholism and Drug-Dependency. (d) In case of licenses class B, a licence can only be granted for every 300 residents maximum. <p>Licences class A, B and C cannot be granted to businesses placed in established zones for residential use, or in accordance to what is established by the urban plan (plan regulador) or by other related regulations in force. For licenses class A and B licences shall not be granted to businesses placed at least 400 meters from public or private education centers, child nutrition centers, facilities where religious activities are carried out and have the</p>		

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>respective authorisation to operate, elderly people attention centers, hospitals, clinics and Ebais. In the case of licences class C the minimum distance abovementioned shall be 100 meters.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>4) Unbound except as indicated in horizontal commitments.</p>	
<p>B. Travel agencies and tour operators services (CPC 7471)</p>	<p>1) None 2) None 3) Costa Rica limits the granting of touristic contracts and incentives based on the contribution to the balance of payments, the use of national raw material and inputs, the creation of direct and indirect jobs, the effects on regional development, the modernisation and diversification of the national touristic offer, the increases of the internal and international touristic demand and the benefits reflecting on other sectors. The activities of rural communitarian tourism can only be carried out by enterprises incorporated in Costa Rica as associations or rural zone self-managing cooperatives, in accordance with Costa Rican legislation. 4) Unbound except as indicated in horizontal commitments.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.</p>	
<p>C. Tourist guides services (CPC 7472)</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.</p>	<p>1) Unbound 2) None 3) Only Costa Rican nationals or residents shall apply for tourist guides licences. 4) Unbound except as indicated in horizontal commitments.</p>	
<p><u>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</u> (other than audiovisual services)</p>			
<p>D. Sporting and other recreational services</p>	<p>1) None 2) None</p>	<p>1) None 2) None</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 9641 except hunting)	3) None 4) Unbound except as indicated in horizontal commitments.	3) None 4) Unbound except as indicated in horizontal commitments.	
11. TRANSPORT SERVICES			
<p>1. Shall not be permanently removed from State ownership any power that may be obtained from public waters within the national territory, the deposits of coal, wells and deposits of oil and any other hydrocarbons, as well as any deposits of radioactive minerals existing within the national territory. They may be exploited only by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited time and on the basis of conditions and stipulations to be established by the Legislative Assembly.</p> <p>2. National railroads, ports, and airports – the latter while in use – may not be sold, leased or encumbered, directly or indirectly, or be otherwise removed from State ownership and control. The railroads, railways, docks and international airports, new or existing, as well as the services there supplied, shall only be granted in concession through the stipulated proceedings in the national legislation. In the case of Limón, Moín, Caldera and Puntarenas ports shall only be given in concession the new works or the additions that are being done, not the existing ones. All enterprises holding railroads, ports or airports concessions must be constituted under Costa Rican legislation and domiciled in Costa Rica.</p> <p>3. Services considered as public services, as defined and regulated in its national laws and regulations, may be subject to a public monopoly or to exclusive rights granted to natural persons or juridical persons, public or private. To be a public service supplier the respective concession or permit shall be obtained from the competent public entity. Are excluded from this obligation the institutions and public enterprises that, as a legal mandate, supply any of these services. The suppliers shall not have any monopolistic right over a public service that they exploit and shall be subject to the limitations and changes imposed by the legislation. New concessions, permits or authorisations shall be granted as long as the demand of services justifies it, or that those services could be offered in better conditions for the user. Priority shall be given to the concessionaires that are supplying the service. State monopolies created by law or granted in administration, are excluded from the above mentioned.</p>			
A. Maritime Transport Services			
(a) International passenger transportation (CPC 7211 less national cabotage transport services) (b) International freight transportation (CPC 7212 less national cabotage transport services)	1) None 2) None 3) None except unbound for operations of vessels under the national flag of Costa Rica and for the establishment of a registered company for the purpose of operating a fleet under the national flag of Costa Rica. 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None except unbound as indicated in the market access column. 4) Unbound except as indicated in horizontal commitments.	
Services auxiliary to maritime transport services (a) Maritime cargo handling services (b) Storage and warehouse services (part of CPC 742)	1) Unbound except for CPC 742. 2) None 3) Subject to a public monopoly or exclusive rights. Costa Rica reserves the right to limit the number of concessions to supply maritime	1) Unbound except for CPC 742. 2) None 3) None except as indicated in market access column for maritime cargo handling services, storage and warehousing services, container station and depot	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(c) Customs clearance services (d) Container station and depot services (e) Maritime agency services (f) Maritime freight forwarding services (g) Rental of vessels with crew (CPC 7213) (h) Pushing and towing services (CPC 7214) (i) Supporting services for maritime transport (part of CPC 745) (j) Other supporting and auxiliary services (part of CPC 749)</p> <p>Auxiliary services as required by maritime transport operators:</p>	<p>services in national ports based on demand for those services. Priority will be given to concessionaires already supplying the service. All enterprises holding a concession must be organised under Costa Rica law and domiciled in Costa Rica. Unbound for customs clearance services, pushing and towing services and other supporting and auxiliary services.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>services, maritime agency services, maritime freight forwarding services, rental of vessels with crew and supporting services for maritime transport. Unbound for customs clearance services, pushing and towing services and other supporting and auxiliary services.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>Costa Rica shall ensure that the following services provided at ports are offered on non-discriminatory terms and conditions: pilotage, towing and tug assistance, provisioning, fuelling and watering, garbage collecting and ballast waste disposal, port captain's services, navigation aids, shore-based operational services essential to ship operations, including communications, water and electrical supplies, emergency repair facilities, anchorage, berth and berthing services.</p>
B. Internal Waterways Transport			
(a) Passenger transportation	1) Unbound	1) Unbound	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 7221) (b) Freight transportation (CPC 7222)	2) None 3) Unbound 4) Unbound except as indicated in horizontal commitments.	2) None 3) Unbound 4) Unbound except as indicated in horizontal commitments.	
(d) Maintenance and repair of vessels (part of CPC 8868)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
C. Air Transport Services			
(a) Maintenance and repair of aircraft (part of CPC 8868)	1) Unbound 2) None 3) Incorporation is required. Subject to residency and reciprocity requirements. Economic needs tests are required. Main criteria: traffic and operation needs. 4) Unbound except as indicated in horizontal commitments.	1) Unbound 2) None 3) None except as indicated in market access column. 4) Unbound except as indicated in horizontal commitments.	
(b) Computer reservation system (CRS) services	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
(c) Sales and marketing	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
(d) Groundhandling services	1) Unbound 2) None 3) Subject to a public monopoly or exclusive rights. Costa Rica reserves the right to limit the number of concessions to supply auxiliary to air transport services in national ports based on demand for those services. Priority will be given to concessionaires already supplying the service. All	1) Unbound 2) None 3) None except as indicated in market access column.	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>enterprises holding a concession must be organised under Costa Rica law and domiciled in Costa Rica.</p> <p>Incorporation is required. Subject to reciprocity requirements. Economic needs tests are required. Main criteria: traffic and operation needs.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>4) Unbound except as indicated in horizontal commitments.</p>	
<p>(e) Storage and warehouse services (part of CPC 742)</p> <p>(f) Freight transport agency services (part of CPC 748)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Subject to a public monopoly or exclusive rights.</p> <p>Costa Rica reserves the right to limit the number of concessions to supply auxiliary to air transport services in national ports based on demand for those services. Priority will be given to concessionaires already supplying the service. All enterprises holding a concession must be organised under Costa Rica law and domiciled in Costa Rica.</p> <p>Incorporation is required. Subject to reciprocity requirements. Economic needs tests are required. Main criteria: traffic and operation needs.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None except as indicated in market access column.</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
<p>E. Rail Transport Services</p> <p>(a) Passenger transportation (CPC 7111)</p> <p>(b) Freight transportation (CPC 7112)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in horizontal commitments.</p>	
F. Road Transport Services			
<p>(a) Passenger transportation (CPC 7121 and CPC 7122)</p> <p>(b) Freight transportation (CPC 7123)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in horizontal</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in horizontal</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	commitments.	commitments.	
(d) Maintenance and repair of road transport equipment (CPC 6112 and 8867)	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
H. Services auxiliary to all modes of transport except for air and maritime transport services (a) Cargo-handling services (part of CPC 741) (b) Storage and warehouse services (part of CPC 742) (c) Freight transport agency services (part of CPC 748) (d) Other supporting and auxiliary services (part of CPC 749)	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in horizontal commitments.	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in horizontal commitments.	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE			
A. Washing, cleaning and dyeing services (CPC 9701)	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
B. Hairdressing services (CPC 97021)	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
C. Cosmetic treatment, manicuring and pedicuring services (CPC 97022)	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	
D. Other beauty treatment services n.e.c (CPC 97029)	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Spa services and non therapeutical massages, to the extent that they are provided as relaxation physical well-being services and not for medical or rehabilitation purposes (CPC ver. 1.0 97230)	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	1) Unbound 2) None 3) None 4) Unbound except as indicated in horizontal commitments.	

ATTACHMENT I

ADDITIONAL COMMITMENTS ON TELECOMMUNICATIONS

Article 1

Definitions

For the purpose of this Attachment:

(a) “regulatory authority” means the body or bodies responsible for the regulation of telecommunications in relation to the issues mentioned in this Attachment;

(b) “essential facilities” means facilities of a public telecommunications network or a telecommunications service available to the public that:

(i) are exclusively or predominantly provided by a single or limited number of suppliers; and

(ii) cannot feasibly be economically or technically substituted in order to supply a service;

(c) “major supplier” means a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for telecommunications services as a result of:

(i) control over essential facilities; or

(ii) the use of its position in the market.

(d) “telecommunications services or telecommunications services available to the public” means all services consisting entirely or mainly of signal transportation through telecommunications networks, which are offered to the public generally in exchange for an economic compensation. Such services may include, inter alia, telephone and data transmission typically involving customer-supplied information between two or more points without any end-to-end change in the form or content of the customer’s information.²³

²³

The telecommunications services do not include:

- Information services.
- Economic activity consisting of content provision which requires telecommunications networks or services for its transport.
- Cable or broadcast distribution of radio or television programming.

(e) “public telecommunications network” means the public telecommunications infrastructure which permits telecommunications services between two or more defined network termination points.

(f) “Telecommunications” means every transmission, emission and/or reception of signs, signals, writings, images, sounds, data or information of any nature by wire, conductors, radio waves, optical or other electromagnetic systems.

(g) “traditional basic telephone” means a service targeted at user communication through data and voice switching exchanges in a predominantly wired network, with a general access for the population, excluding associated value-added services.

(h) “supplier of public telecommunications networks” shall be understood as an “operator”, which means a natural or juridical person, public or private, that operates public telecommunication networks with the proper authorisation, and that may or not provide telecommunications services available to the public generally.

Article 2

Competitive Safeguards

1. Costa Rica shall maintain appropriate measures for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

2. The anti-competitive practices referred to in paragraph 1 shall include, in particular:

(a) engaging in anti-competitive cross-subsidisation;

(b) using information obtained from competitors with anti-competitive results; and

(c) not making available to other service suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to supply services.²⁴

²⁴ This subparagraph shall apply without prejudice of the applicable legislation with regard to confidential information.

Article 3

Interconnection

1. This Article applies to linking between suppliers providing public telecommunications networks or telecommunications services available to the public in order to allow the users of one supplier to communicate with users of another supplier and to access services supplied by another supplier, where specific commitments are undertaken.

2. Where suppliers are unable to resolve disputes regarding the negotiation of an interconnection agreement with a major supplier within a reasonable time, Costa Rica shall ensure that the suppliers have recourse to assistance from an independent domestic body, which may be a regulatory authority as referred to in Article 6, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, in accordance with the respective domestic legislation.

Article 4

Universal Service

1. Costa Rica has the right to define the kind of universal service obligation it wishes to have.

2. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by Costa Rica.

Article 5

Licensing and Other Authorisations Procedures

1. Where a licence, concession, permit, registration, or other type of authorisation is required for the supply of a telecommunications service, the competent authority of Costa Rica shall make the following publicly available:

- (a) its terms and conditions; and
- (b) the period of time normally required to reach a decision concerning an application for it.

2. The reasons for the denial of a licence, concession, permit, registration, or other type of authorisation will be made known to the applicant upon request.

Article 6

Regulatory Authority

1. Costa Rica's regulatory authority for telecommunications services shall be separate from, and not accountable to, any supplier of telecommunications services.
2. Costa Rica shall ensure that the decisions of, and the procedures used by, its regulatory authority are impartial with respect to all market participants.
3. Costa Rica shall ensure that suppliers of another Party affected by the decision of the regulatory authority of Costa Rica have recourse to an administrative body or a court independent of any supplier, in accordance with its laws and regulations.

Article 7

Scarce Resources

Costa Rica shall carry out its procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, in an objective, timely, transparent and non-discriminatory manner. Costa Rica shall make publicly available the current state of allocated frequency bands.²⁵

²⁵ It is understood that this Article does not require to make publicly available the frequency bands and other related information used by the State for national security reasons.

