

ANNEX I

Schedule of the Dominican Republic

Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3)
Measures:	- <i>Ley sobre Inversión Extranjera</i> , No. 16-95, November 20, 1995, Art. 5 - <i>Ley General sobre Medio Ambiente y Recursos Naturales</i> , No. 64-00, August 18, 2000, Art. 101
Description:	<u>Investment</u> Only Dominican nationals may perform activities related to the disposal of toxic, hazardous, or dangerous or radioactive waste produced outside the Dominican Republic.

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Sector:	Professional Services – Legal Services
Obligations Concerned:	National Treatment (Article 11.2) Market Access (Article 11.4)
Measures:	- <i>Ley del Notariado</i> , No. 301, June 18, 1964, Arts. 4, 5, and 10 - <i>Ley de Organización Judicial, y sus modificaciones</i> , No. 821, November 21, 1927, Chapter XI, Art. 73 - <i>Ley que crea el Colegio de Abogados</i> , No. 91, February 3, 1983, Art. 4
Description:	<p><u>Cross-Border Services</u></p> <p>To practice law before the courts in the Dominican Republic or to render public notary services a lawyer must be a Dominican national and a member of the <i>Colegio de Abogados</i>.</p> <p>A foreign lawyer may render legal services other than those related to the judicial function or appearing in court provided the foreign lawyer is a member of the <i>Colegio de Abogados</i>.</p> <p>A foreign lawyer who is not a member of the <i>Colegio de Abogados</i> may supply foreign legal consulting services provided that the foreign lawyer is licensed to practice law in a jurisdiction that permits Dominican nationals to supply foreign legal consulting services. The Dominican Republic shall permit foreign lawyers who are supplying foreign legal consulting services from the territory of a Party into the territory of the Dominican Republic in the period preceding the date of signature of this Agreement to continue supplying such services.</p> <p>The authorization of new notaries public is subject to quotas, proportional to the number of inhabitants in each municipality and the national district.</p>

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A foreign lawyer may become a member of the *Colegio de Abogados*:

- (a) by obtaining a law degree in the Dominican Republic;
- (b) by obtaining revalidation of a law degree issued in a foreign country; or
- (c) if the government of a jurisdiction in which the foreign national has a license to practice law has an agreement with the Dominican Republic establishing reciprocal treatment for Dominican lawyers.

For purposes of this entry:

- (a) **lawyer** means in general all persons who, in the exercise of a function and by reason of special knowledge regarding the law, render legal advice, and includes professors and researchers working in universities, all the judges of the Dominican Republic, court-appointed lawyers (*abogados de oficio*), public prosecutors, public notaries, legal advisors and consultants to natural or corporate persons, public or private; and
- (b) **foreign legal consulting service** means providing advice by a lawyer regarding matters with respect to which the lawyer or law firm is authorized to render legal services in his, her, or its home market.

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Sector:	Professional Services – Architectural and Engineering Services
Obligations Concerned:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
Measures:	- <i>Ley sobre el Ejercicio de Ingeniería, la Arquitectura, la Agrimensura y Profesiones Afines</i> , No. 6200, February 22, 1962, Arts. 17, 18, and 19 - <i>Decreto que Reglamenta el Ejercicio Profesional del Ingeniero Químico</i> , No.511-86, June 26, 1986, Arts. 8, 9, and 10 - <i>Ley sobre la Promoción del Desarrollo Turístico en Destinos Subdesarrollados y en Nuevos Destinos en Provincias y Localidades con Potencial Extraordinario, que Crea el Fondo Oficial para la Promoción del Turismo</i> , No. 158-01, October 9, 2001, Art. 14
Description:	<p><u>Cross-Border Services</u></p> <p>Only members of the <i>Colegio Dominicano de Ingenieros, Arquitectos y Agrimensores de la Republica Dominicana</i> (“CODIA”) may practice as engineers, architects, and land surveyors. A foreign professional who meets the relevant qualifications may join CODIA as long as Dominican nationals are not prohibited from practicing in the jurisdiction in which the foreign professional is licensed.</p> <p>However, professionals who graduated from foreign universities who are not members of CODIA may practice in the Dominican Republic when:</p> <ul style="list-style-type: none">(a) the Executive Branch, in special and justified cases, contracts their services to perform specialized jobs or technical consulting in those fields of the profession in which such services are necessary; or(b) an enterprise or institution contracts the professional to supply a specific service for a specified time and sufficiently demonstrates the necessity for this to CODIA, which will then authorize the professional to supply the service. <p>A Dominican chemical engineer must review the plans for and installation of any production facility constructed in the Dominican Republic by foreign technicians or enterprises. In addition, if</p>

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foreign technicians whose activities are related to the chemical engineering field are used in the installation or start up of a production facility, at least one Dominican chemical engineer must have a role in their supervision.

After the installation and start-up of a production facility, the facility may not employ foreign technicians related to the field of chemical engineering if Dominican engineers with the relevant expertise are available. If no qualified Dominican engineer is available, an enterprise may employ foreign technicians, but only as long as their number is proportionate to the number of Dominican technicians.¹ However, this requirement does not apply to enterprises that employ at least one Dominican engineer.

To provide architectural and engineering services related to construction, persons who are not members of CODIA must associate with a CODIA member.

A Dominican professional must prepare any projects and preliminary plans that are submitted to qualify for benefits from the *Fondo Oficial de Promoción Turística*.

Foreign nationals and enterprises organized under foreign law must associate with an enterprise organized under Dominican law in order to provide services related to urban and architectural studies for a tourism-related project.

¹ In practice, an enterprise may meet this requirement at any time by employing three Dominican technicians for every seven foreign technicians.

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Sector:	Professional Services Accounting, Auditing, and Bookkeeping Services.
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5) Market Access (Article 11.4)
Measures:	- <i>Decreto que aprueba el Reglamento Interno del Instituto de Contadores Públicos Autorizados de la República Dominicana</i> , No. 2032, June 1, 1984, Art. 6 - <i>Código de Ética Profesional del Instituto de Contadores Públicos Autorizados de la República Dominicana (ICPARD)</i> , October 9, 2001, Art. 3.2.13
Description:	<u>Cross-Border Services</u> Only Dominican nationals may practice as Certified Public Accountants in the Dominican Republic. Foreign public accountants, auditors, or bookkeepers, as individuals or enterprises, may practice their profession only in association with a Dominican accountant.

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Sector:	Professional Services – Health Services and Related Professions
Obligations Concerned:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
Measures:	- <i>Ley General de Salud</i> , No.42-01, March 8, 2001, Arts. 92 and 93 - <i>Ley que crea el Colegio Dominicano de Psicólogos/as</i> , No. 22-01, February 1, 2001, Art. 4-c - <i>Ley que Establece un Impuesto sobre los Honorarios Cobrados por Médicos Extranjeros que Ejerzan en la República Dominicana</i> , No. 3491, March 6, 1953, Art. 1 ²
Description:	<p><u>Cross-Border Services</u></p> <p>Foreign nationals graduated from foreign universities may practice health-related professions in the Dominican Republic provided that:</p> <ul style="list-style-type: none">(a) there is an agreement between governments allowing professionals to practice in both countries;(b) the service is not offered or is insufficient in the Dominican Republic; and(c) the foreigner has the degree certified for equivalency and obtains an <i>exequátur</i> from the Executive Branch. <p>However, health professionals authorized by the <i>Secretaría de Estado de Salud Pública y Asistencia Social</i> (SESPAS) may practice their profession provided they are visiting the country to render public health services on a non-profit basis.</p> <p>Other health professionals may practice medicine or surgery on a temporary basis if requested or contracted by a clinic or hospital of the Dominican Republic and authorized by SESPAS and by the <i>Asociación Médica Dominicana</i>. For greater certainty, such temporary practice may include training, demonstration, lecturing, or research through a health-related facility, including a university or laboratory. Before leaving the country, the facility or the foreign health professional must present a declaration to SESPAS</p>

² The reference in Article 1 of Law No. 3491 to Law No. 289 does not signify that Article 1, 2, or 3 of Law No. 289 is a measure within the scope of this entry.

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stating in detail the amounts, if any, the professional has charged to private patients.

To offer psychology services in the Dominican Republic a professional must be permanent resident.

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Sector:	Energy Related Services
Obligations Concerned:	National Treatment (Article 10.3) Market Access (Article 11.4)
Measures:	- <i>Ley General de Electricidad</i> , No. 125-01, July 26, 2001, Art. 53 - <i>Ley General de Reforma de la Empresa Pública</i> , No. 141-97, June 24, 1997, Arts. 13 and 14
Description:	<u>Cross-Border Services</u> Three joint ventures currently distribute electricity on an exclusive basis within specified regions of the Dominican Republic pursuant to concessions granted by the Government of the Dominican Republic.

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Sector: Mining

Obligations Concerned: National Treatment (Article 10.3)

Measures: - *Ley de Minería de la República Dominicana*, No.146, June 4, 1971, Art. 9

Description: Investment

Mining concessions may not be granted to any foreign government either directly or through the intermediation of a natural person or an enterprise. In duly justified cases, and with the prior approval of the National Congress, the Executive Branch may enter into special agreements with foreign mining enterprises that are partially or wholly state-owned.

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Sector:	Communications – Audio-Visual Services
Obligations Concerned:	Performance Requirements (Article 10.9) National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3)
Measures:	- <i>Decreto que introduce modificaciones en el Reglamento No. 824, del 25 de marzo de 1971, sobre la Operación de la Comisión Nacional de Espectáculos Públicos y Radiodifusión</i> , No. 4306, February 22, 1974, Arts. 101 and 109
Description:	<p><u>Cross-Border Services and Investment</u></p> <p>Only Dominican nationals may work as announcers for a radio or television broadcast to a national audience in the territory of the Dominican Republic. However, the <i>Comisión Nacional de Espectáculos Públicos y Radiofonía</i> may authorize enterprises that make such broadcasts, in special cases and for a period of six months, to hire foreign nationals to serve as announcers. This authorization may be extended at the discretion of the National Commission for Public Entertainment and Radio.</p> <p>Only Dominican nationals may serve as sports narrators, including commercial announcers and commentators, in transmitting sporting events for a national audience in the Dominican Republic. However, foreign nationals may serve as sports narrators as long as in their country of origin Dominican sportscasters may also do so.</p> <p>In all radio programming that originates in the Dominican Republic, 50 percent of the music played shall be by Dominican authors, composers, and singers.</p> <p>For every three soap operas that are broadcast for a national audience in the Dominican Republic, one must be by Dominican authors and must have been made in the Dominican Republic.</p>

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Sector:	Communications – Advertising Services
Obligations Concerned:	National Treatment (Article 11.2)
Measures:	- <i>Reglamento sobre la Operación de la Comisión Nacional de Espectáculos Públicos y Radiodifusión</i> , No. 824, March 25, 1971, Art. 74.
Description:	<p><u>Cross-Border Services</u></p> <p>Seventy-five percent of all artists, announcers, singers and other participants in the production of any jingle, video, tape, script, advertisement for use in cinemas (<i>cintas cinematográficas</i>), or commercial that is transmitted and presented on radio and television must be Dominican nationals. For greater certainty, this requirement applies only to such advertisements that are produced in the Dominican Republic.</p> <p>However, if a commercial for Dominican goods and services to be sold in the Dominican Republic needs to be produced abroad, 25 percent of the artists and production personnel in charge of production must be Dominican nationals.</p>

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Sector:	Communications – News Agency Services
Obligations Concerned:	Senior Management and Boards of Directors (Article 10.10)
Measures:	- <i>Ley sobre Expresión y Difusión del Pensamiento</i> , No. 6132, December 15, 1972, Art. 5
Description:	<u>Investment</u> The senior manager of every newspaper or periodical produced in the Dominican Republic must be a Dominican national.

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Sector:	Communications – Broadcasting
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Market Access (Article 11.4) Local Presence (Article 11.5)
Measures:	- <i>Ley General de Telecomunicaciones</i> , No. 153-98, May 27, 1998, Chapters V, X and XI
Description:	<u>Cross-Border Services and Investment</u> In order to obtain a corresponding authorization to install and operate broadcast networks and to provide broadcast services in the Dominican Republic it is required to have a legal domicile in the Dominican Republic and be a stock company (<i>compañía por acciones</i>) or a non-profit organization incorporated under the laws of the Dominican Republic. Only Dominican nationals may own and control an enterprise that provides public radio broadcasting services that originate in the Dominican Republic. For greater certainty, this entry does not apply to content providers.

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Sector:	Communications
Obligations Concerned:	Market Access (Article 11.4) Local Presence (Article 11.5)
Measures:	- <i>Ley General de Telecomunicaciones</i> , No. 153-98, May 27, 1998, Chapter V
Description:	<u>Cross-Border Services</u> In order to obtain the corresponding authorization to install and operate telecommunications networks in the Dominican Republic, in order to provide telecommunications services to users in the Dominican Republic, it is required to have a legal domicile in the Dominican Republic and be a stock company (<i>compañía por acciones</i>) incorporated under the laws of the Dominican Republic.

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Sector:	Distribution, Trade, and Commission Agent Services
Obligations Concerned:	Market Access (Article 11.4) Local Presence (Article 11.5) Performance Requirements (Article 10.9)
Measures:	<ul style="list-style-type: none">- <i>Ley de Promoción Agrícola y Ganadera</i>, No. 532, December 12, 1969, Art. 41- <i>Reglamento sobre Preparación, Clasificación y Transporte del Café</i>, No. 7107, September 18, 1961, Art. 15- <i>Ley que Establece que el Instituto de Estabilización de Precios será el Distribuidor Único del Azúcar de Producción Nacional para el Consumo Interno</i>, No. 80, November 28, 1974, Art. 1- <i>Ley que Crea e Integra el Consejo de Administración Salinera, como Distribuidor Exclusivo de toda la Sal en Grano de Origen Marino Producido en el País</i>, No. 286-98, July 29, 1998, Art. 1, y <i>su Reglamento de Aplicación</i>, No. 1294-00, December 13, 2001
Description:	<p><u>Cross-Border Services and Investment</u></p> <p>Only enterprises organized as stock companies (<i>compañías por acciones</i>) under Dominican law may operate as deposit warehouses for the care and conservation of imported goods.</p> <p>Coffee for export must be packed in locally manufactured sacks.</p> <p>Only the <i>Instituto de Estabilización de Precios</i> (INESPRE) may distribute domestically produced sugar in the Dominican Republic.</p> <p>Only the <i>Consejo de Administración Salinera</i> may distribute marine unrefined salt produced in the Dominican Republic.</p>

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Sector:	Tourism and Services Related to Travel
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Measures:	- <i>Ley Orgánica de Turismo</i> , No. 541, December 31, 1969, Arts. 18 and 23 - <i>Reglamento para el Transporte Terrestre Turístico de Pasajeros</i> , No. 817-03, August 20, 2003, Art. 11 - <i>Decreto que Autoriza el Establecimiento de Casinos, Juegos de Bingo y Tragamonedas</i> , No. 6273, December 8, 1960, Art. 2
Description:	<u>Cross-Border Services</u> To operate in the Dominican Republic, foreign travel agencies and tour operators must be duly authorized in their country of origin and represented by a local agency. Tour guide licenses may be granted to foreign nationals only in exceptional circumstances, such as when no Dominican tour guide can satisfy the needs of a particular tour group, including the need to speak a particular language. All casino and game employees must be Dominican nationals. Drivers for land transport of tourists must be Dominican nationals or foreign nationals resident in the Dominican Republic.

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Sector: Recreational and Cultural Services

Obligations Concerned: National Treatment (Article 11.2)

Measures:

- *Ley sobre Expresión y Difusión del Pensamiento*, No. 6132, December 15, 1972, Art. 33
- *Reglamento sobre la Operación de la Comisión Nacional de Espectáculos Públicos y Radiodifusión*, No. 824, March 25, 1971, Art. 122

Description: Cross-Border Services

Variety shows offered to audiences in theaters, nightclubs, and other entertainment venues that are performed by foreign artists must include the performance of one Dominican artist for each foreign artist.

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Sector:	Transportation – Maritime Transportation
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Senior Management and Boards of Directors (Article 10.10) Local Presence (Article 11.5)
Measures:	- <i>Ley sobre Policía de Puertos y Costas</i> , No. 3003, May 17, 1951 Art. 56 and its paragraph - <i>Ley sobre Protección y Desarrollo de la Marina Mercante</i> , No. 180, May 30, 1975, Arts. 1 and 4 - <i>Decreto que Establece el Reglamento Tarifario de la Autoridad Portuaria Dominicana</i> , No. 572-99, December 30, 1999, Art. 3, para. I, subparas. a and b, note 2
Description:	<u>Cross-Border Services and Investment</u> Vessels used for towing, passenger or freight transportation, or loading or unloading in Dominican ports, as well as vessels used to navigate inland waterways in the Dominican Republic, must be Dominican flagged vessels. Cabotage in the Dominican Republic is exclusively reserved for national flagged vessels. When a Dominican flag vessel cannot perform this service, a temporary permit may be granted to a national shipowner for a foreign flag vessel to offer this service. All Dominican Republic flag ships of more than 50 tons, providing cabotage are exempt from the requirement to have a harbor pilot on board and to pay pilotage fees provided they do not transport cargo abroad. When loading and unloading merchandise or passengers, Dominican Republic flag vessels pay 50 percent of the amount set for foreign-flag vessels. The fees for foreign flag vessels range from 1.00 U.S. dollars per foot of beam per day in port to 1.15 U.S. dollars per foot of beam per day in port. Tariffs applied to foreign tourist yachts ³ will be 0.50 U.S. dollars per foot of beam per day or its equivalent in Dominican pesos (RD\$). The fees for national tourist yachts range from RD\$ 300.00 for 25 passengers to RD\$ 800.00 for up to 99 passengers, and for 100 or more passengers, the fee increases by RD\$ 10.00 for each passenger.

³ For greater certainty, this tariff does not apply to cruise vessels.

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For purposes of this entry, **national shipowner** means a shipowner who is a Dominican national and resides in the Dominican Republic. If the ship is co-owned or is community property, 70 percent of its value must belong to Dominicans residing in the Dominican Republic.

Enterprises organized under Dominican law, whose main purpose is the administration of Dominican flag vessels and maritime commercial passenger and/or freight transportation, must comply with the following requirements:

- (a) 70 percent of the shares and participations, as well as 70 percent of the subscribed and paid-in capital, must belong to Dominican nationals that reside in the Dominican Republic or enterprises organized under Dominican law.
- (b) 75 percent of the Board of Directors must be Dominican nationals residing in the Dominican Republic; and
- (c) it must be organized as a stock company (*compañía por acciones*) under Dominican law and have its main headquarters and official domicile in the Dominican Republic.

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Sector:	Air Transportation
Obligations Concerned:	National Treatment (Article 10.3) – Senior Management and Boards of Directors (Article 10.9)
Measures:	<ul style="list-style-type: none">- <i>Ley sobre Aeronáutica Civil</i>, No. 505, November 10, 1969, Arts. 128, 130 and 140- <i>Decreto que Reglamenta u Regula los Operadores, Agentes y Consignatarios de Vuelos no Regulares</i>, No.751-02, September 19,2002, Arts. 1 and 2
Description:	<p><u>Investment</u></p> <p>Air transportation of passengers, cargo or correspondence between destinations within the Dominican Republic (cabotage) is reserved for aircraft owned by Dominican persons.</p> <p>For puposes of the preceding paragraph, enterprises shall be deemed to be Dominican enterprises when at least 51 percent of their capital is owned by Dominican nationals and at least 51 percent of their administrators are Dominican nationals as well.</p> <p>All enterprises performing the functions of operator, agent, or non-regular (charter) flight consignee, must be organized under Dominican law, must be at least 51 percent owned by Dominican nationals, and must employ Dominican nationals in senior management.</p>

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Sector:	Air Transportation – Specialty Air Services and Maintenance and Repair of Aircraft
Obligations Concerned:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3)
Measures:	- <i>Ley sobre Aeronáutica Civil</i> , No. 505, November 10, 1969, Arts. 79, 82, and 128
Description:	<p><u>Cross-Border Services</u></p> <p>Aerial advertising and publicity, agricultural works, fumigation, fishing prospects, air taxis, filming, photography, and surveyance shall be reserved for Dominican persons.</p> <p>The <i>Dirección General de Aeronáutica Civil</i> may issue temporary permits to foreign pilots that come to the country to perform air transport services on a temporary basis, provided that it is demonstrated that there is no available Dominican personnel to provide the service.</p> <p>Foreign nationals may engage in remunerated aeronautical activities only if they hold licenses or certificates either issued in the Dominican Republic, or issued in a foreign country in which Dominican nationals holding licenses or certificates issued in the Dominican Republic are able to engage in such remunerated aeronautical activities.</p>

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Sector:	Free Zones
Obligations Concerned:	Performance Requirements (Article 10.9)
Measures:	- <i>Ley sobre Fomento de Zonas Francas</i> , No. 8-90, January 15, 1990, Art. 17
Description:	<p><u>Investment</u></p> <p>An enterprise established in the Free Zone of the Dominican Republic may not introduce more than 20 percent of its total sales in goods or services into the Dominican Republic's customs territory.</p> <p>This non-conforming measure shall cease to exist no later than December 31, 2009 in accordance Article 3.4 (Waiver of Customs Duties), paragraph 3.</p>

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Sector:	Oil Exploitation and Exploration Services
Obligations Concerned:	National Treatment (Article 10.3)
Measures:	- <i>Ley sobre la Exploración, Explotación y Beneficios por Particulares de los Yacimientos de Petróleo y sus Derivados, los Hidrocarburos y demás Combustibles Similares</i> , No. 4532, August 30, 1956, Art. 4
Description:	<u>Investment</u> Sovereign foreign governments may not be granted the right to explore, exploit, or benefit from oil and other hydrocarbon substances, nor shall any natural person or enterprise enjoying these rights allow a sovereign foreign government as a partner, associate, or shareholder.

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Sector:	Fishing
Obligations Concerned:	National Treatment (Article 10.3)
Measures:	<ul style="list-style-type: none">- <i>Ley de Pesca</i>, No. 5914, May 22, 1962, Arts. 15 (para. 1), and 19 (paras. a and b)- <i>Proyecto de Ley que crea el Consejo Dominicano de Pesca y Acuicultura</i>, Art. 41
Description:	<p><u>Investment</u></p> <p>Only natural persons residing in the Dominican Republic or enterprises organized under Dominican law may obtain fishing permits or fishing licenses.</p> <p>To engage in maritime or fluvial fishing and hunting, an enterprise must be organized under Dominican law and 50 percent of its capital must be owned by Dominican nationals.</p> <p>In order to obtain fishing permits, foreign-flag vessels must be previously authorized by the <i>Marina de Guerra</i> and the <i>Dirección Nacional de Drogas</i>.</p> <p>Only Dominican nationals may engage in artisanal fishing within 54 nautical miles of the coast.</p>

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Sector:	Educational Services
Obligations Concerned:	Market Access (Article 11.4) Local Presence (Article 11.5)
Measures:	- <i>Ley sobre Educación Superior, Ciencia y Tecnología</i> , No. 139-01, August 13, 2001, Art. 44 - <i>Reglamento Orgánico para las Instituciones Educativas</i> , No. 66,97, May 28, 1999, Art. 19.2
Description:	<p><u>Cross-Border Services</u></p> <p>To teach at any Education Center in the kindergarten, pre-school, elementary, intermediate, high school, technical, or university level, a foreign national must reside in the Dominican Republic.</p> <p>The <i>Secretaría de Estado de Educación Superior, Ciencia y Tecnología</i> (SEESCYT) may deny a request to create a new institution of higher learning or professional or technical institute if there is no economic need of such institution or institute.</p> <p>For greater certainty, this entry does not apply to the supply of foreign language training, corporate, business, and industrial training programs, skill development programs, or educational consulting services, including technical support and development of curriculums and programs. It also does not apply to foreign educational institutions that offer their programs through institutions already established in the Dominican Republic.</p>

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Sector:	Cooperative Associations
Obligations Concerned:	National Treatment (Article 10.3)
Measures:	- <i>Ley sobre Asociaciones Cooperativas</i> , No. 127-64, January 27, 1964, Arts. 1, 50, and 51
Description:	<p><u>Investment</u></p> <p>Cooperatives are non-profit associations constituted by natural persons residing in the Dominican Republic or enterprises organized under the laws of the Dominican Republic.</p> <p>They may accept foreign nationals residing in the Dominican Republic as associates in a proportion not larger than 50 percent of the total membership and shares.</p>

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Sector: Lotteries

Obligations Concerned: Market Access (Article 11.4)

Measures: - *Ley que Estable una Renta Pública bajo la Denominación de Lotería Nacional*, No. 5158, June 25, 1959, Arts. 1, 2, and 3

Description: Cross-Border Services

The *Lotería Nacional* is the state enterprise that operates and manages the lottery of the Dominican Republic. A private enterprise currently holds an exclusive concession to provide electronic lottery services in the Dominican Republic.

Under Dominican law, a lottery is any system used to distribute prizes in money through raffles among people buying tickets for that purpose.

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Sector: Retail Distribution of Pharmaceutical Products

Obligations Concerned: Market Access (Article 11.4)

Measures: - *Ley General de Salud*, No. 42-01, March 8, 2001, Art. 103

Description: Cross-Border Services

Pharmaceutical establishments shall be at a distance of at least 500 meters from each other. For purposes of this entry, pharmaceutical establishment means a pharmacy, drug store, or industrial pharmaceutical laboratory.

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Sector: Services Incidental to Mining, Hydro-Electric Plant Construction and Management; Electricity Transmission, Marketing and Distribution Services; Public Irrigation Services; Management and Operation of Water Distribution and Waste Management Services; Airport and Port Construction, Operation and Management Services; and Operation of Lotteries

Obligations Concerned: Market Access (Article 11.4)

Existing Measures:

- *Ley Minera de la República Dominicana*, No. 146, June 4, 1971, Art. 3
- *Ley General de Electricidad*, No. 125-01, July 26, 2001, Art. 41
- *Ley sobre el Dominio de Aguas Terrestre y Distribución de Aguas Publicas*, No. 5852, March 29, 1962, Arts. 17 and 18
- *Ley que Crea el Instituto Nacional de Recursos Hidráulicos (INDRHI)*, No. 6, September 8, 1964, Art. 4
- *Ley que Estable una Renta Pública bajo la Denominación de Lotería Nacional*, No. 5158, June 25, 1959, Arts. 1 and 3

Description: Cross-Border Services

In granting concessions to supply the following services:

- construction or temporary management of a hydro-electric power plant;
- construction or temporary management of an electric transmission project;
- distribution or marketing of electricity;
- irrigation services or construction, management, operation, or maintenance of water distribution or waste management services;
- construction, operation, or management of a port or airport;
- services incidental to mining; or
- operation of lotteries;

the Dominican Republic reserves the right to impose limitations on the number of service suppliers in the form of numerical quotas, monopolies, or exclusive service suppliers; or require supply of these services through a joint venture.

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For greater certainty, any other conditions on the grant of such concession shall be otherwise consistent with the Agreement and services suppliers of the other Parties will be permitted to obtain such concessions.