

## Annex I

### Explanatory Notes

1. The Schedule of a Party to this Annex sets out, pursuant to Article 14 (Non-Conforming Measures), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 3 (National Treatment);
- (b) Article 4 (Most-Favored-Nation Treatment);
- (c) Article 8 (Performance Requirements); or
- (e) Article 9 (Senior Management and Boards of Directors).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Obligations Concerned** specifies the article(s) referred to in paragraph 1 that, pursuant to Article 14.1(a) (Non-Conforming Measures), do not apply to the non-conforming aspects of the law, regulation, or other measure, as set out in paragraph 3;
- (c) **Level of Government** indicates the level of government maintaining the scheduled measure(s);
- (d) **Measures** identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the **Measures** element:
  - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Treaty, and
  - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (e) **Description** provides a general, nonbinding description of the measure for which the entry is made.

3. In accordance with Article 14.1(a) (Non-Conforming Measures), and subject to Article 14.1(c) (Non-Conforming Measures), the articles of this Treaty specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming aspects of the law, regulation, or other measure identified in the **Measures** element of that entry.

**Annex I**  
**Schedule of Uruguay**

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| <b>Sector:</b>                | Fisheries   |
| <b>Obligations Concerned:</b> | National Treatment (Article 3)<br>Performance Requirements (Article 8)<br>Senior Management and Boards of Directors (Article 9)   |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | Law No. 13.833, <i>Riquezas del Mar</i> (Articles 4, 5, 8, 22, 23, and 24)<br>Decree No. 149/997 (Article 56)   |
| <b>Description:</b>           | <p>Commercial fishing, including marine hunting activities, performed in internal waters and in the territorial sea within a distance of 12 miles, measured from the base lines, are reserved exclusively to licensed Uruguayan-flagged vessels. Such vessels must be commanded by captains, merchant marine officials, or fishing masters that are Uruguayan nationals, and at least 50 percent of the crew of such vessels must be Uruguayan nationals.</p> <p>Commercial foreign-flagged vessels are only allowed to fish and hunt between the 12-mile area referred to in the preceding paragraph and 200 miles, subject to authorization of the Executive branch, as recorded in the register maintained by the <i>Dirección Nacional de Recursos Acuáticos</i>.</p> <p>The processing and marketing of fish may be subject to a requirement that the fish be totally or partially processed in Uruguay.</p> |

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| <b>Sector:</b>                | Communications – Print Media  |
| <b>Obligations Concerned:</b> | Senior Management and Boards of Directors (Article 9)   |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | Law No. 16.099, <i>Información y Comunicaciones</i> (Article 6)   |
| <b>Description:</b>           | Only an Uruguayan national may be the <i>redactor o gerente responsable</i> * (the responsible editor or manager) of a newspaper, magazine, or periodical published in Uruguay. |

\* *Redactor o gerente responsable* is the person liable under civil and criminal law for the content of a particular newspaper, magazine, or periodical.

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| <b>Sector:</b>                | Communications – Radio and Television  |
| <b>Obligations Concerned:</b> | National Treatment (Article 3)<br>Most-Favored-Nation Treatment (Article 4)<br>Senior Management and Boards of Directors (Article 9)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | Law No. 16.099, <i>Información y Comunicaciones</i> (Article 6)<br>Decree No. 734/978 (Articles 8, 9, and 11)  |
| <b>Description:</b>           | <p>Free over-the-air television and AM/FM radio broadcasting services may only be supplied by Uruguayan nationals. All stockholders of or partners in broadcasting enterprises supplying such broadcasting services in Uruguay or established in Uruguay must be Uruguayan nationals domiciled in Uruguay.</p> <p>Senior management, members of the boards of directors, and the <i>redactor o gerente responsable</i>* (the responsible director or manager) of broadcasting enterprises must be Uruguayan nationals.</p> <p>The <i>redactor o gerente responsable</i>* of a subscriber (cable, satellite, MMDS) television enterprise must be an Uruguayan national.</p> |

\* *Redactor o gerente responsable* is the person liable under civil and criminal law for the content of a particular radio or television broadcast, in any form.

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| <b>Sector:</b>                | Railway Transportation Services  |
| <b>Obligations Concerned:</b> | National Treatment (Article 3)<br>Most-Favored-Nation Treatment (Article 4)<br>Senior Management and Boards of Directors (Article 9)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <i>Sector Ferroviaria – Marco Jurídico Regulatorio</i> ,<br>Ministerial Decree – Official Gazette No. 26.398 of<br>December 5, 2003 (Articles 27 and 28)   |
| <b>Description:</b>           | <p>In order to provide railway passenger and cargo transportation services, a railway operator must obtain a license (<i>Licencia de Operación Ferroviaria</i>) from the <i>Dirección Nacional de Transporte</i>, which issues a resolution granting the license. Among the requirements for obtaining the license are:</p> <ul style="list-style-type: none"> <li>(a) at least 51 percent of the paid-in capital of the railway operator must be owned by Uruguayan nationals domiciled in Uruguay or by Uruguayan enterprises that meet the same requirement for paid-in capital; and</li> <li>(b) at least 51 percent of the railway operator's board of directors or managing board must be composed of Uruguayan nationals domiciled in Uruguay.</li> </ul> <p>Under the <i>Acuerdo sobre Transporte Internacional Terrestre</i> (ATIT) among the Southern Cone countries, access to international railway cargo transportation services is accorded, on the basis of reciprocity, to railway operators of Uruguay.</p> |

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| <b>Sector:</b>                | Road Transportation Services  |
| <b>Obligations Concerned:</b> | National Treatment (Article 3)<br>Senior Management and Boards of Directors (Article 9)   |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | Decree No. 228/991 (Articles 1.1 and 5.1)<br>Decree No. 230/997 (Article 5.1)<br><i>Acuerdo sobre Transporte Internacional Terrestre</i> (Article 22), as adopted in <i>Resolución del Ministerio de Transporte y Obras Públicas del 10 de Mayo de 1991</i> , and published in the Official Gazette of July 8, 1991   |
| <b>Description:</b>           | <p><u>Passenger Transportation</u> – The State reserves to itself the provision of public regular national and international passenger transportation services (both regularly scheduled and non-regularly scheduled), but grants concessions and permits to private enterprises. Only Uruguayan nationals or enterprises may be granted such concessions and permits. Uruguayan enterprises are those (i) managed, (ii) controlled, and (iii) in which more than 50 percent of the capital is owned by Uruguayan nationals domiciled in Uruguay.</p> <p><u>Domestic Cargo Transportation</u> – There are no restrictions on domestic (point-to-point) cargo road transportation services.</p> <p><u>International Passenger and Cargo Transportation</u> – Only enterprises with more than 50 percent of their share capital owned and effectively controlled by Uruguayan nationals may provide international cargo and passenger transportation.</p> |

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| <b>Sector:</b>                | Maritime Transportation Services and Ancillary Services   |
| <b>Obligations Concerned:</b> | National Treatment (Article 3)<br>Most-Favored-Nation Treatment (Article 4)<br>Senior Management and Boards of Directors (Article 9)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | Law No. 12.091, <i>Navegación y Comercio de Cabotage</i> (Articles 1, 2, 6, 9, 11, 12, and 13)<br>Law No. 14.106, <i>Ley de Rendición de Cuentas y Balance de Ejecución Presupuestal</i> (Article 309)<br>Law No. 16.387, <i>Ley de Abanderamiento</i> (Article 18), as amended by Law No. 16.736, <i>Ley de Rendición de Cuentas y Balance de Ejecución Presupuestal</i> (Article 321)<br>Law No. 17.296, <i>Ley de Rendición de Cuentas y Balance de Ejecución Presupuestal</i> (Article 263)<br>Decree-Law No. 14.650, <i>Ley de Fomento de Marina Mercante</i> (Chapters I, II, and V)<br>Decree No. 31/994 (Article 2)   |
| <b>Description:</b>           | <p>Cabotage trade, which covers domestic vessel transportation services performed between the ports and coastal areas of Uruguay, including rescue operations, unloading of cargoes, towing, and other vessel operations performed by ships in waters within Uruguayan jurisdiction, shall be reserved to Uruguayan-flagged vessels. Such vessels are exempt from designated taxes, such as those on equipment, sales, and income of fleets.</p> <p>Waivers permitting foreign-flagged vessels to perform cabotage services may be granted by the Executive branch when Uruguayan-flagged vessels are not available.</p> <p>Vessels providing cabotage transportation services within Uruguay are subject to the following requirements:</p> <p>(a) if owned by natural persons, vessels must be owned by Uruguayan nationals domiciled in Uruguay; and</p> |

- (b) if owned by an enterprise: (i) 51 percent of the owners of such enterprise must be Uruguayan nationals; (ii) 51 percent of the voting shares must be owned by Uruguayan nationals; and (iii) the enterprise must be controlled and managed by Uruguayan nationals.

Uruguayan-flagged vessels shall be qualified to perform cabotage transportation services if the owners of such vessels are Uruguayan nationals, and their crews (including the captain) are composed of at least 50 percent Uruguayan nationals.

Half of all cargo transportation of Uruguayan foreign trade (imports and exports) is reserved to Uruguayan-flagged vessels, however, waivers are granted to foreign-flagged vessels to carry the reserved portion of the foreign trade. Uruguay may impose restrictions on access to cargo transportation of Uruguayan foreign trade on the basis of reciprocity.

Uruguayan-flagged merchant vessels are entitled to designated tax exemptions, provided that such vessels fulfill the following requirements:

- (a) if owned by natural persons, vessels must be owned by Uruguayan nationals domiciled in Uruguay; and
- (b) if owned by an enterprise, vessels must be under the control and direction of Uruguayan nationals.

The crew of Uruguayan merchant vessels must meet the following requirements:

- (a) 50 percent of the crew (including the captain) of

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