

Reservations for Future Measures

1. The Schedule of a Party sets out, pursuant to Articles 1108(3) (Investment) and 1206(3) (Cross-Border Trade in Services), the reservations taken by that Party with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

- (a) Article 1102 or 1202 (National Treatment) ;
- (b) Article 1103 or 1203 (Most-Favored-Nation Treatment) ;
- (c) Article 1205 (Local Presence) ;
- (d) Article 1106 (Performance Requirements) ; or
- (e) Article 1107 (Senior Management and Boards of Directors).

2. Each reservation sets out the following elements:

- (a) **Sector** refers to the general sector in which the reservation is taken;
- (b) **Sub-Sector** refers to the specific sector in which the reservation is taken;
- (c) **Industry Classification** refers, where applicable, to the activity covered by the reservation according to domestic industry classification codes;
- (d) **Type of Reservation** specifies the obligation referred to in paragraph 1 for which a reservation is taken;
- (e) **Description** sets out the scope of the sector, sub-sector or activities covered by the reservation; and
- (f) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

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

4. For purposes of this Annex:

CMAP means Clasificación Mexicana de Actividades y Productos (CMAP) numbers as set out in Instituto Nacional de Estadística, Geografía e Informática, *Clasificación Mexicana de Actividades y Productos* , 1988;

CPC means Central Product Classification (CPC) numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, *Provisional Central Product Classification* , 1991; and

SIC means:

- (a) with respect to Canada, Standard Industrial Classification (SIC) numbers as set out in Statistics Canada, *Standard Industrial Classification* , fourth edition, 1980; and
- (b) with respect to the United States, Standard Industrial Classification (SIC) numbers as set out in the United States Office of Management and Budget, *Standard Industrial Classification Manual* , 1987.

Schedule of Canada

Sector: Aboriginal Affairs

Sub-Sector:

Industrial Classification:

Type of Reservation: National Treatment (Articles 1102, 1202)
Most-Favored-Nation Treatment (Articles 1103, 1203)
Local Presence (Article 1205)
Performance Requirements (Article 1106)
Senior Management and Boards of Directors (Article 1107)

Description: Cross-Border Services and Investment

Canada reserves the right to adopt or maintain any measure denying investors of another Party and their investments, or service providers of another Party, any rights or preferences provided to aboriginal peoples.

Existing Measures: *Constitution Act, 1982*, being Schedule B of the Canada Act 1982 (U.K.), 1982, c. 11

Sector: All Sectors

Sub-Sector:

Industrial Classification:

Type of Reservation: National Treatment (Article 1102)

Description: Investment

Canada reserves the right to adopt or maintain any measure relating to residency requirements for the ownership by investors of another Party, or their investments, of oceanfront land.

Existing Measures: *Constitution Act , 1982,*
being Schedule B of the
Canada Act 1982 (U.K.),
1982, c.11

Sector: Communications

Sub-Sector: Telecommunications
Transport Networks and
Services,
Radiocommunications and
Submarine Cables

Industrial Classification: CPC 752 -
Telecommunications
Services
CPC 7543 - Connection
Services
CPC 7549 - Other
Telecommunications
Services Not Elsewhere
Classified (limited to
telecommunications
transport networks and
services)

Type of Reservation: National Treatment (Article
1102)
Most-Favored-Nation
Treatment (Article 1103)
Senior Management and
Boards of Directors (Article
1107)

Description: Investment

Canada reserves the right
to adopt or maintain any
measure relating to
investment in
telecommunications
transport networks and
telecommunications
transport services,
radiocommunications and
submarine cables, including
ownership restrictions and
measures concerning
corporate officers and
directors and place of
incorporation.
This reservation does not
apply to providers of

enhanced or value-added services whose underlying telecommunications transmission facilities are leased from providers of public telecommunications transport networks.

Existing Measures:

Bell Canada Act , S.C. 1987, c. 19

British Columbia Telephone Company Special Act , S.C. 1916, c. 66

Teleglobe Canada Reorganization and Divestiture Act , S.C. 1987, c. 12

Telesat Canada Reorganization and Divestiture Act , S.C 1991, c. 52

Radiocommunication Act , R.S.C. 1985, c. R-2

Telegraphs Act , R.S.C. 1985, c. T-5

Telecommunications Policy Framework , 1987

Sector:	Communications
Sub-Sector:	Telecommunications Transport Networks and Services, Radiocommunications and Submarine Cables
Industry Classification:	CPC 752 - Telecommunications Services (not including enhanced or value-added services) CPC 7543 - Connection Services CPC 7549 - Other Telecommunications Services Not Elsewhere Classified (limited to telecommunications)

transport networks and services)

Type of Reservation:

National Treatment (Article 1202)
Most-Favored-Nation Treatment (Article 1203)
Local Presence (Article 1205)

Description:

Cross-Border Services

Canada reserves the right to adopt or maintain any measure relating to radiocommunications, submarine cables and the provision of telecommunications transport networks and telecommunications transport services. These measures may apply to such matters as market entry, spectrum assignment, tariffs, intercarrier agreements, terms and conditions of service, interconnection between networks and services, and routing requirements that impede the provision on a cross-border basis of telecommunications transport networks and telecommunications transport services, radiocommunications and submarine cables.

Telecommunications transport services typically involve the real-time transmission of customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information, whether or not such services are offered to the public generally. These services include voice and data services by wire, radiocommunications or any other electromagnetic means of transmission.

This reservation does not

apply to measures relating to the cross-border provision of enhanced or value-added services.

Existing Measures:

Bell Canada Act , S.C. 1987, c. 19

British Columbia Telephone Company Special Act , S.C. 1916, c. 66 *Railway Act* , R.S.C. 1985, c. R-3

Radiocommunication Act , R.S.C. 1985, c. R-2 *Telegraphs Act* , R.S.C. 1985, c. T-5

Telecommunications Policy Framework , 1987

Telecommunications Decisions, C.R.T.C. , including (85-19), (90-3), (91-10), (91-21), (92-11) and (92-12)

Sector:	Government Finance
Sub-Sector:	Securities
Industry Classification:	SIC 8152 - Finance and Economic Administration
Type of Reservation:	National Treatment (Article 1102)
Description:	<u>Investment</u> Canada reserves the right to adopt or maintain any measure relating to the acquisition, sale or other disposition by nationals of another Party of bonds, treasury bills or other kinds of debt securities issued by the Government of Canada, a province or local government.

Existing Measures: *Financial Administration Act*, R.S.C. 1985, c. F-11

Sector: Minority Affairs

Sub-Sector:

Industrial Classification:

Type of Reservation: National Treatment (Articles 1102, 1202)
Local Presence (Article 1205)
Performance Requirements (Article 1106)
Senior Management and Boards of Directors (Article 1107)

Description: Cross-Border Services and Investment

Canada reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities.

Existing Measures:

Sector: Social Services

Sub-Sector:

Industrial Classification:

Type of Reservation: National Treatment (Articles 1102, 1202)
Most-Favored-Nation Treatment (Article 1203)
Local Presence (Article 1205)
Senior Management and

Boards of Directors (Article 1107)

Description:

Cross-Border Services and Investment

Canada reserves the right to adopt or maintain any measure with respect to the provision of public law enforcement and correctional services, and the following services to the extent that 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, and child care.

Existing Measures:

Sector:

Transportation

Sub-Sector:

Air Transportation

Industry Classification:

SIC 4513 - Non-Scheduled Air Transport, Specialty, Industry

Type of Reservation:

National Treatment (Article 1102)
Most-Favored-Nation Treatment (Article 1103)
Senior Management and Boards of Directors (Article 1107)

Description:

Investment

Canada reserves the right to adopt or maintain any measure that restricts the acquisition or establishment of an investment in Canada for the provision of specialty air services to a Canadian national or a corporation incorporated and having its principal

place of business in Canada, its chief executive officer and not fewer than two-thirds of its directors as Canadian nationals, and not less than 75 percent of its voting interest owned and controlled by persons otherwise meeting these requirements.

Existing Measures:

Aeronautics Act , R.S.C. 1985, c. A-2
Air Regulations , C.R.C. 1978, c. 2
Aircraft Marking and Registration Regulations , SOR/90-59

Sector:

Transportation

Sub-Sector:

Water Transportation

Industrial Classification:

SIC 4129 - Other Heavy Construction (limited to dredging)
SIC 4541 - Freight and Passenger Water Transport Industry
SIC 4542 - Ferry Industry
SIC 4543 - Marine Towing Industry
SIC 4549 - Other Water Transport Industries
SIC 4552 - Harbour and Port Operation Industries (limited to berthing, bunkering and other vessel operations in a port)
SIC 4553 - Marine Salvage Industry
SIC 4554 - Piloting Service, Water Transport Industry
SIC 4559 - Other Service Industries Incidental to Water Transport (not including landside aspects of port activities)

Type of Reservation:

National Treatment (Articles 1102, 1202)
Most-Favored-Nation Treatment (Articles 1103,

1203)
Local Presence (Article
1205)
Performance Requirements
(Article 1106)
Senior Management and
Boards of Directors (Article
1107)

Description:

Cross-Border Services and
Investment

Canada reserves the right to adopt or maintain any measure relating to investment in or provision of maritime cabotage services, including:

(a) the transportation of goods or passengers by vessel between points in the territory of Canada and in its Exclusive Economic Zone;

(b) with respect to waters above the continental shelf, the transportation of goods or passengers in relation to the exploration, exploitation or transportation of the mineral or non-living natural resources of the continental shelf; and

(c) the engaging by vessel in any maritime activity of a commercial nature in the territory of Canada and in its Exclusive Economic Zone and, with respect to waters above the continental shelf, in such other maritime activities of a commercial nature in relation to the exploration, exploitation or transportation of mineral or non-living natural resources of the continental shelf.

This reservation relates to, among other things, local presence requirements for service providers entitled to participate in these activities, criteria for the issuance of a temporary cabotage license to foreign vessels and limits on the

number of cabotage
licenses issued to foreign
vessels.

Existing Measures: *Coasting Trade Act*, S.C.
1992, c. 31
Canada Shipping Act ,
R.S.C. 1985, c. S-9
Customs Act , R.S.C. 1985,
c. 1 (2nd Supp.)
Customs and Excise
Offshore Application Act ,
R.S.C. 1985, c. C-53

Sector: Transportation

Sub-Sector: Water Transportation

Industry Classification: SIC 4541 - Freight and
Passenger Water Transport
Industry
SIC 4542 - Ferry Industry
SIC 4543 - Marine Towing
Industry
SIC 4549 - Other Water
Transport Industries
SIC 4551 - Marine Cargo
Handling Industry
SIC 4552 - Harbour and
Port Operation Industries
SIC 4553 - Marine Salvage
Industry
SIC 4554 - Piloting Service,
Water Transport Industry
SIC 4559 - Other Service
Industries Incidental to
Water Transport

Type of Reservation: National Treatment
(Articles 1102, 1202)
Most-Favored-Nation
Treatment (Articles 1103,
1203)
Local Presence (Article
1205)
Performance Requirements
(Article 1106)
Senior Management and
Boards of Directors (Article
1107)

Description: Cross-Border Services and
Investment

Canada reserves the right to adopt or maintain any measure denying service providers or investors of the United States, or their investments, the benefits accorded service providers or investors of Mexico or any other country, or their investments, in sectors or activities equivalent to those subject to Schedule of the United States, Annex II, page II-U-9.

Existing Measures:

Sector:	Transportation
Sub-Sector:	Water Transportation
Industry Classification:	SIC 4541 - Freight and Passenger Water Transport Industry SIC 4542 - Ferry Industry SIC 4543 - Marine Towing Industry SIC 4549 - Other Water Transport Industries SIC 4551 - Marine Cargo Handling Industry SIC 4552 - Harbour and Port Operation Industries SIC 4553 - Marine Salvage Industry SIC 4554 - Piloting Service, Water Transport Industry SIC 4559 - Other Service Industries Incidental to Water Transport
Type of Reservation:	Most-Favored-Nation Treatment (Article 1203)
Description:	<u>Cross-Border Services</u> Canada reserves the right to adopt or maintain any measure relating to the implementation of agreements, arrangements and other formal or

informal undertakings with other countries with respect to maritime activities in waters of mutual interest in such areas as pollution control (including double hull requirements for oil tankers), safe navigation, barge inspection standards, water quality, pilotage, salvage, drug abuse control and maritime communications.

Existing Measures:

United States Wreckers Act, R.S.C. 1985, c. U-3

Various agreements and arrangements, including:

(a) Memorandum of Arrangements on Great Lakes Pilotage;

(b) Canada - United States Joint Marine Pollution Contingency Plan;

(c) Agreement with the United States on Loran "C" Service on the East and West Coasts; and

(d) Denmark - Canada Joint Marine Pollution Circumpolar Agreement.

Schedule of Mexico

Sector: All Sectors

Sub-Sector:

Industrial Classification:

Type of Reservation: National Treatment
(Articles 1102, 1202)

Description: Cross-Border and Investment

Mexico reserves the right to

adopt or maintain any measure restricting the acquisition, sale or other disposition of bonds, treasury bills or any other kind of debt security issued by the federal, state or local governments, except with respect to ownership by "a financial institution of another Party", as defined in Chapter Fourteen (Financial Services).

Existing Measures:

Sector:	Communications
Sub-Sector:	Entertainment Services (Broadcasting and Multipoint Distribution Systems (MDS))
Industry Classification:	CMAP 941104 - Private Production and Transmission of Radio Programs (limited to transmission of radio programs, MDS and uninterrupted music) CMAP 941105 - Private Services of Production, Transmission and Retransmission of Television Programming (limited to transmission and retransmission of television programs, MDS, and highdefinition television)
Type of Reservation:	National Treatment (Articles 1102, 1202) Most-Favored-Nation Treatment (Articles 1103, 1203) Local Presence (Article 1205) Senior Management and Boards of Directors (Article 1107)

Description: Cross-Border Services and Investment

Mexico reserves the right to adopt or maintain any measure relating to investment in, or provision of, broadcasting, multipoint distribution systems, uninterrupted music and highdefinition television services. This reservation does not apply to measures relating to the production, sale or licensing of radio or television programming.

Existing Measures: *Constitución Política de los Estados Unidos Mexicanos , Artículo 32
Ley de Vías Generales de Comunicación
Ley Federal de Radio y Televisión
Ley para Promover la Inversión Mexicana y Regular la Inversión Extranjera*

Sector: Communications

Sub-Sector: Telecommunications

Industry Classification: CMAP 720006 - Other Telecommunications Services (limited to aeronautical mobile and fixed services)

Type of Reservation: National Treatment (Articles 1102, 1202)
Most-Favored-Nation Treatment (Articles 1103, 1203)
Local Presence (Article 1205)

Description: Cross-Border Services and Investment

Mexico reserves the right to adopt or maintain any

measure relating to investment in, or provision of, air traffic control, aeronautical meteorology, aeronautical telecommunications, and other telecommunications services relating to air navigation services.

Existing Measures:

Constitución Política de los Estados Unidos Mexicanos , Artículo 32
Ley de Vías Generales de Comunicación
Ley para Promover la Inversión Mexicana y Regular la Inversión Extranjera
Decreto que Crea el Organismo Desconcentrado "Servicios a la Navegación en el Espacio Aéreo Mexicano" (SENEAM), 3 de octubre de 1978

Sector:

Communications

Sub-Sector:

Telecommunications
Transport Networks

Industry Classification:

CMA 720003 - Telephone Services
CMA 720004 - Telephone Booth Services
CMA 720006 - Other Telecommunications Services (not including enhanced or valueadded services)
CMA 502003 - Telecommunications Installations

Type of Reservation:

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

Description:

Cross-Border Services and Investment

Mexico reserves the right to adopt or maintain any measure relating to investment in, or provision of, telecommunications transport networks and telecommunications transport services. Telecommunications transport networks include the facilities to provide telecommunications transport services such as local basic telephone services, long distance telephone services (national and international), rural telephone services, cellular telephone services, telephone booth services, satellite services, trunking, paging, mobile telephony, maritime telecommunications services, air telephone, telex, and data transmission services. Telecommunications transport services typically involve the real time transmission of customer supplied information between two or more points without any end to end change in the form or content of the customer's information, whether or not such services are offered to the public generally.

Existing Measures:

Constitución Política de los Estados Unidos Mexicanos , Artículo 32
Ley de Vías Generales de Comunicación
Ley para Promover la Inversión Mexicana y Regular la Inversión Extranjera
Reglamento de Telecomunicaciones

Sector:

Communications and Transportation

Sub-Sector:	Postal Services, Telecommunications and Railroads
Industry Classification:	<p>CMAP 720001 - Postal Services</p> <p>CMAP 720005 - Telegraph Services, Radiotelegraph Services, Wireless Telegraphy</p> <p>CMAP 720006 - Other Telecommunications Services (limited to satellite communications)</p> <p>CMAP 711101 - Railway Transportation Services (limited to operation, administration and control of traffic within the Mexican railway system, supervision and management of railway rightsofway, construction, operation, and maintenance of basic railway infrastructure)</p> <p>Most-Favored-Nation Treatment (Article 1203)</p> <p>Local Presence (Article 1205)</p>
Description:	<p><u>Cross-Border Services</u></p> <p>Mexico reserves the right to adopt or maintain any measure related to the provision of postal services (operation, administration and organization of first class mail), telegraph services, radiotelegraphy services, satellite communications services (establishment, ownership and operation of satellite systems, and establishment, ownership and operation of earth stations with international links), and railroad services (operation, administration and control of traffic within the Mexican railway system, supervision and management of railway rightsofway, construction, operation, and maintenance of basic railway infrastructure).</p>

Existing Measures: *Constitución Política de los Estados Unidos Mexicanos , Artículo 28
Ley de Vías Generales de Comunicación
Ley Orgánica de Ferrocarriles Nacionales de México
Ley del Servicio Postal Mexicano*

Sector: Energy

Sub-Sector: Petroleum and Other Hydrocarbons
Basic Petrochemicals
Electricity
Nuclear Power
Treatment of Radioactive Minerals
Most-Favored-Nation Treatment (Article 1203)
Local Presence (Article 1205)

Description: Cross-Border Services

Subject to Annex 602.3, Mexico reserves the right to adopt or maintain any measure related to services associated with energy and basic petrochemical goods.

Existing Measures: *Constitución Política de los Estados Unidos Mexicanos , Artículos 27, 28
Ley Reglamentaria del Artículo 27 Constitucional en Materia Nuclear
Ley Reglamentaria del Artículo 27 Constitucional en el Ramo del Petróleo y sus reglamentos
Ley Orgánica de Petróleos Mexicanos y Organismos Subsidiarios*

Sector: Minority Affairs

Sub-Sector:

Industrial Classification:

Type of Reservation: National Treatment (Article 1202)
Local Presence (Article 1205)

Description: Cross-Border Services

Mexico reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged groups.

Existing Measures: *Constitución Política de los Estados Unidos Mexicanos , Artículo 4*

Sector: Professional, Technical and Specialized Services

Sub-Sector: Professional Services

Industry Classification: CMAP 951002 - Legal Services (including foreign legal consultancy)

Type of Reservation: National Treatment (Articles 1102, 1202)
Most-Favored-Nation Treatment (Articles 1103, 1203)
Local Presence (Article 1205)
Senior Management and Boards of Directors (Article 1107)

Description: Cross-Border Services and Investment

Subject to Schedule of Mexico, Annex VI, page VI-M-2, Mexico reserves the

right to adopt or maintain any measure relating to the provision of legal services and foreign legal consultancy services by persons of the United States.

Existing Measures:

Ley Reglamentaria del Artículo 5o. Constitucional, relativo al ejercicio de las profesiones en el Distrito Federal

Ley para Promover la Inversión Mexicana y Regular la Inversión Extranjera

Sector:

Social Services

Sub-Sector:

Industrial Classification:

Type of Reservation:

National Treatment (Articles 1102, 1202)
Local Presence (Article 1205)
Senior Management and Boards of Directors (Article 1107)

Description:

Cross-Border Services and Investment

Mexico reserves the right to adopt or maintain any measure with respect to the provision of public 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, and child care.

Existing Measures: *Constitución Política de los Estados Unidos Mexicanos , Artículos 4, 17, 18, 25, 26, 28, 123*

Sector: Transportation

Sub-Sector: Specialized Personnel

Industry Classification: CMAP 951023 - Other Specialized Services (limited to ship captains (capitanes) ; aircraft pilots (pilotos) ; ship masters (patrones) ; ship machinists (maquinistas) ; ship mechanics (mecánicos) ; airport administrators (comandantes de aeródromos) ; harbor masters (capitanes de puerto) ; harbor pilots (pilotos de puerto) ; customs brokers (agentes aduanales) ; crew on Mexican-flagged vessels or aircraft (personal que tripule cualquier embarcación o aeronave con bandera o insignia mercante mexicana))

Type of Reservation: National Treatment (Article 1202)
Most-Favored-Nation Treatment (Article 1203)
Local Presence (Article 1205)

Description: Cross-Border Services
Only Mexican nationals by birth may serve as:

(a) captains, pilots, ship masters, machinists, mechanics and crew members manning vessels or aircraft under the Mexican flag;

(b) harbor pilots, harbor

masters and airport administrators; and

(c) customs brokers.

Existing Measures:

Constitución Política de los Estados Unidos Mexicanos, Artículo 32

Schedule of the United States

Sector:

All Sectors

Sub-Sector:

Industrial Classification:

Type of Reservation:

National Treatment (Article 1102)
Most-Favored-Nation Treatment (Article 1103)

Description:

Investment

The United States reserves the right to adopt or maintain any measure relating to residency requirements for the ownership by investors of Canada, or their investments, of oceanfront land.

Existing Measures:

Sector:

Communications

Sub-Sector:

Cable Television

Industry Classification: CPC 753 - Radio and Television Cable Services

Type of Reservation: National Treatment (Article 1102)
Most-Favored-Nation Treatment (Article 1103)

Description: Investment

Subject to Article 2106, the United States reserves the right to adopt or maintain any measure that accords equivalent treatment to persons of any country that limits ownership by persons of the United States in an enterprise engaged in the operation of a cable television system in that country.

Existing Measures:

Sector: Communications

Sub-Sector: Telecommunications
Transport Networks and Services and Radiocommunications

Industry Classification: CPC 752 - Telecommunications Services (not including enhanced or value-added services)
CPC 7543 - Connection Services
CPC 7549 - Other Telecommunications Services Not Elsewhere Classified (limited to telecommunications transport networks and services)

Type of Reservation: National Treatment (Articles 1102, 1202)
Most-Favored-Nation Treatment (Articles 1103, 1203)

Local Presence (Article 1205)
Senior Management and Boards of Directors (Article 1107)

Type of Reservation:

Cross-Border Services and Investment

The United States reserves the right to adopt or maintain any measure relating to investment in, or the provision of, telecommunications transport networks, telecommunications transport services or radiocommunications. These measures may apply to such matters as market entry, spectrum assignment, tariffs, intercarrier agreements, terms and conditions of service, and interconnection between networks and services. Telecommunications transport services typically involve the real-time transmission of customer-supplied information between two or more points without end-to-end change in the form or content of the customer's information, whether or not such services are offered to the public generally. These services include voice and data services provided by any electromagnetic means. Radiocommunications include all communications by radio, including broadcasting. This reservation does not apply to measures relating to enhanced or value-added services or to the production, sale or licensing of radio or television programming.

Existing Measures:

Communications Act of 1934, 47 U.S.C. §§ 151 *et seq.*, see particularly §§ 310(a), (b)

(radio licenses for common carrier, aeronautical en route, aeronautical fixed, and broadcasting services)

F.C.C. Decision , International Competitive Carrier , 102 F.C.C. 2d 812 (1985), as modified in Regulation of International Common Carrier Services , CC Docket No. 91-360, FCC 92-463 (released November 6, 1992)

Submarine Cable Landing Act , 47 U.S.C. § 34-9, see particularly § 35 (undersea cables)

Communications Satellite Act of 1962 , 47 U.S.C. §§ 701-57

Telegraph Act , 47 U.S.C. § 17 (telegraph cables serving Alaska)

Children's Television Act of 1990 , 47 U.S.C. § 303a

Television Program Improvement Act of 1990 , 47 U.S.C. § 303c

Sector:	Social Services
Sub-Sector:	
Industrial Classification:	
Type of Reservation:	National Treatment (Articles 1102, 1202) Local Presence (Article 1205) Senior Management and Boards of Directors (Article 1107)
Description:	<u>Cross-Border Services and Investment</u>

The United States reserves the right to adopt or maintain any measure with respect to the provision of public 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, and child care.

Existing Measures:

Sector: Minority Affairs

Sub-Sector:

Industrial Classification:

Type of Reservation: National Treatment (Articles 1102, 1202)
Local Presence (Article 1205)
Performance Requirements (Article 1106)
Senior Management and Boards of Directors (Article 1107)

Description: Cross-Border Services and Investment

The United States reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities, including corporations organized under the laws of the State of Alaska in accordance with the *Alaska Native Claims Settlement Act* .

Existing Measures: *Alaska Native Claims Settlement Act*, 43 U.S.C. §§ 1601 et seq.

Sector: Professional Services

Sub-Sector: Legal Services

Industry Classification: SIC 8111 - Legal Services

Type of Reservation: National Treatment (Articles 1102, 1202)
Most-Favored-Nation Treatment (Articles 1103, 1203)
Local Presence (Article 1205)
Senior Management and Boards of Directors (Article 1107)

Description: Cross-Border Services and Investment

Subject to Schedule of the United States, Annex VI, page VI-U-2, the United States reserves the right to adopt or maintain any measure relating to the provision of legal services, including foreign legal consultancy services, by persons of Mexico.

Existing Measures:

Sector: Publishing

Sub-Sector: Newspaper Publishing

Industry Classification: SIC 2711- Newspapers: Publishing, or Publishing and Printing

Type of Reservation: National Treatment (Article 1102)
Most-Favored-Nation Treatment (Article 1103)

Description: Investment

Subject to Article 2106, the United States reserves the right to adopt or maintain any measure that accords equivalent treatment to persons of any country that limits ownership by persons of the United States in an enterprise engaged in the publication of daily newspapers primarily written for audiences and distributed in that country.

For purposes of this reservation, daily newspapers are newspapers published at least five days each week.

Existing Measures:

Sector: Transportation

Sub-Sector: Water Transportation

Industry Classification: SIC 091 - Commercial Fishing (limited to fishing vessels and fishing operations within the Exclusive Economic Zone)

SIC 1629 - Heavy Construction, Not Elsewhere Classified (limited to marine dredging)

SIC 4412 - Deep Sea Foreign Transportation of Freight (limited to promotional programs for U.S.-flagged vessels)

SIC 4424 - Deep Sea Domestic Transportation of

Freight (includes coastwise transportation of freight, deep sea domestic freight transportation, intercoastal transportation of freight, water transportation of freight to noncontiguous territories)

SIC 4432 - Freight Transportation on the Great Lakes and St. Lawrence Seaway

SIC 4449 - Water Transportation of Freight, Not Elsewhere Classified (includes canal barge operations, canal freight transportation, intracoastal freight transportation, lake freight transportation except on the Great Lakes, log rafting and towing, river freight transportation except on the St. Lawrence Seaway, transportation of freight on bays and sounds of the oceans)

SIC 4481 - Deep Sea Transportation of Passengers, Except by Ferry (limited to promotional programs for U.S.-flagged vessels)

SIC 4482 - Ferries

SIC 4489 - Water Transportation of Passengers, Not Elsewhere Classified (includes airboats, swamp buggy rides, excursion boat operations, passenger water transportation on rivers and canals, sightseeing boats, water taxis)

SIC 4491 - Marine Cargo Handling (limited to crew activities aboard vessels transporting supplies and cargo within U.S. territorial waters and longshore work performed by crew affected by reciprocity restrictions)

SIC 4492 - Towing and

Tugboat Services

SIC 4499 - Water Transportation Services, Not Elsewhere Classified (limited to cargo salvaging, chartering of commercial boats, lighterage, bunkering, marine salvage, pilotage, steamship leasing, cable laying)

Type of Reservation:

National Treatment (Articles 1102, 1202)
Most-Favored-Nation Treatment (Articles 1103, 1203)
Local Presence (Article 1205)
Performance Requirements (Article 1106)
Senior Management and Boards of Directors (Article 1107)

Description:

Cross-Border Services and Investment

The United States reserves the right to adopt or maintain any measure relating to the provision of maritime transportation services and the operation of U.S.-flagged vessels, including the following:

(a) requirements for investment in, ownership and control of, and operation of vessels and other marine structures, including drill rigs, in maritime cabotage services, including maritime cabotage services performed in the domestic offshore trades, the coastwise trades, U.S. territorial waters, waters above the continental shelf and in the inland waterways;

(b) requirements for investment in, ownership and control of, and operation of U.S.-flagged vessels in foreign trades;

(c) requirements for investment in, ownership or control of, and operation of vessels engaged in fishing and related activities in U.S. territorial waters and the Exclusive Economic Zone;

(d) requirements related to documenting a vessel under the U.S. flag;

(e) promotional programs, including tax benefits, available for shipowners, operators and vessels meeting certain requirements;

(f) certification, licensing and citizenship requirements for crew members on U.S.-flagged vessels;

(g) manning requirements for U.S.-flagged vessels;

(h) all matters under the jurisdiction of the Federal Maritime Commission;

(i) negotiation and implementation of bilateral and other international maritime agreements and understandings;

(j) limitations on longshore work performed by crew members;

(k) tonnage duties and light money assessments for entering U.S. waters; and

(l) certification, licensing and citizenship requirements for pilots performing pilotage services in U.S. territorial waters.

The following activities are not included in this reservation:

(a) vessel construction and repair; and

(b) landside aspects of port activities, including operation and maintenance of docks, loading and unloading of vessels directly to or from land, marine cargo handling, operation and maintenance of piers, ship cleaning, stevedoring, transfer of cargo between vessels and trucks, trains, pipelines and wharves, waterfront terminal operations, boat cleaning, canal operation, dismantling of vessels, operation of marine railways for drydocking, marine surveyors, except cargo, marine wrecking of vessels for scrap and ship classification societies.

Existing Measures:

Merchant Marine Act of 1920 , §§ 19 and 27, 46 App. U.S.C. § 876 and § 883 et seq.

Jones Act Waiver Statute , 64 Stat 1120, 46 App. U.S.C., note preceding Section 1

Shipping Act of 1916 , 46 App. U.S.C. §§ 802 and 808

Merchant Marine Act of 1936 , 46 App. U.S.C. §§ 1151 et seq., 1160-61, 1171 et seq., 1241(b), 1241-1, 1244, and 1271 et seq.

Merchant Ship Sales Act of 1946 , 50 App. U.S.C. § 1738

46 App. U.S.C. §§ 121, 292 and 316

46 U.S.C. §§ 12101 et seq. and 31301 et seq.

46 U.S.C. §§ 8904 and 31328(2)

Passenger Vessel Act , 46 App. U.S.C. § 289

42 U.S.C. § 9601 et seq.;

33 U.S.C. § 2701 et seq.;
33 U.S.C. § 1251 et seq.

46 U.S.C. §§ 3301 et seq.,
3701 et seq., 8103 and
12107(b)

Shipping Act of 1984 , 46
App. U.S.C. §§ 1708 and
1712

Nicholson Act , 46 App.
U.S.C. §§ 251

*Commercial Fishing
Industry Vessel
AntiReflagging Act of 1987*,
46 U.S.C. § 2101 and 46
U.S.C. § 12108

43 U.S.C. § 1841

22 U.S.C. § 1980

Intercoastal Shipping Act ,
46 App. U.S.C. § 843

46 U.S.C. § 9302, 46
U.S.C. § 8502; Agreement
Governing the Operation of
Pilotage on the Great
Lakes, Exchange of Notes
at Ottawa, August 23,
1978, and March 29, 1979,
TIAS 9445

*Magnuson Fishery
Conservation and
Management Act* , 16
U.S.C. §§ 1801 et seq.

19 U.S.C. § 1466

*North Pacific Anadromous
Stocks Convention Act of
1972* , P.L. 102-
587; *Oceans Act of 1992*,
Title VII

Tuna Convention Act , 16
U.S.C. § 951 et seq.

*South Pacific Tuna Act of
1988* , 16 U.S.C. §
973 et seq.

*Northern Pacific Halibut Act
of 1982* , 16 U.S.C. §
773 et seq.

Atlantic Tunas Convention

Act , 16 U.S.C. §
971 et seq.

*Antarctic Marine Living
Resources Convention Act
of 1984* , 16 U.S.C. §
2431 et seq.

*Pacific Salmon Treaty Act of
1985* , 16 U.S.C. §
3631 et seq.