

## Annex I

### SCHEDULE OF NICARAGUA

#### EXPLANATORY NOTES

1. The Schedule of Nicaragua to this Annex sets out, pursuant to Articles 11.10 (Non-Conforming Measures) and 8.6 (Non-Conforming Measures), Nicaragua's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Articles 11.2 (National Treatment) or 8.2 (National Treatment);
- (b) Articles 11.3 (Most-Favored-Nation Treatment) or 8.3 (Most-Favored-Nation Treatment);
- (c) Article 8.5 (Local Presence);
- (d) Article 11.8 (Performance Requirements);
- (e) Article 11.9 (Senior Management and Boards of Directors); or
- (f) Article 8.4 (Market Access).

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 obligation(s) referred to in paragraph 1 that, pursuant to Articles 11.10 (Non-Conforming Measures) and 8.6 (Non-Conforming Measures), do not apply to the listed measure(s);
- (c) **Level of Government** indicates the level of government maintaining the listed measure(s);
- (d) **Measures** identify 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 Agreement, and
  - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (e) **Description** sets out commitments, if any, for liberalization on the date of entry into force of the Agreement, and the remaining non-conforming aspects of the existing measures for which the entry is made.

3. In the interpretation of a Schedule entry, all elements of the entry shall be considered. An entry shall be interpreted in light of the relevant provisions of the Chapters against which the entry is made. To the extent that:

(a) the **Measures** element is qualified by a liberalization commitment from the **Description** element, the **Measures** element as so qualified shall prevail over all other elements; and

(b) the **Measures** element is not so qualified, the **Measures** element shall prevail over all other elements, unless any discrepancy between the **Measures** element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the **Measures** element should prevail, in which case the other elements shall prevail to the extent of that discrepancy.

4. In accordance with Article 11.10 (Non-Conforming Measures) and 8.6 (Non-Conforming Measures), the articles of this Agreement specified in the **Obligations Concerned** element of an entry shall not apply to the law, regulation, or other measure identified in the **Measures** element of that entry.

5. Where a Party maintains a measure that requires that a service provider be a citizen as a condition to the provision of a service in its territory, a Schedule entry for that measure taken with respect to Article 8.2 (National Treatment), 8.3 (Most-Favored-Nation Treatment), or 8.5 (Local Presence) shall operate as a Schedule entry with respect to Article 11.2 (National Treatment), 11.3 (Most-Favored-Nation Treatment), or 11.8 (Performance Requirements) to the extent of that measure.

6. For greater certainty, Article 8.4 (Market Access) refers to non-discriminatory measures.

### **Annex I Entry 1 – All sectors**

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	The Commerce Code of the Republic of Nicaragua, published in La Gaceta, Diario Oficial, N°248, of October 30, 1916 and its amendments.
<b>Description:</b>	Cross-Border Trade in Services  Companies formally constituted abroad, which are established in Nicaragua or have an agency or branch, shall maintain in the country a legal representative with a general power of attorney, registered in the corresponding Registry and domiciled in the country.

## Annex I Entry 2 – Musicians and Artists

<b>Sector:</b>	Musicians and Artists
<b>Obligations Concerned:</b>	National Treatment (Article 8.2 ) Most Favored Nation Treatment (Article 8.3) Market Access (Article 8.4) Performance Requirements (Article 11.8)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 215, Law for the Promotion of National Artistic Expressions and Protection of Nicaraguan Artists, published in La Gaceta, Diario Oficial, No.134 of July 17, 1996 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 232 of December 16, 2020.</p> <p>Law No. 723, Law of Cinematography and Audiovisual Arts (<i>Ley 723</i>, published in La Gaceta, Diario Oficial, No. 198 of October 18, 2010 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 232 of December 16, 2020.</p> <p>Decree A.N 7445, on the approval of the Latin-American Agreement on Cinematographic Co-production (<i>Decreto AN 7445</i>, published in La Gaceta, Diario Oficial, No. 60 of March 28, 2014.</p>
<b>Description:</b>	<p>Investment and Cross-Border Trade in Services</p> <p>Co-productions with Nicaraguan filmmakers must have at least 30 percent of artistic, technical and creative national staff; additionally, the production must have a Nicaraguan economic participation of not less than 10 percent.</p> <p>The foreign film productions made in Nicaragua must contract, for their production, at least 20 percent of technical, creative and artistic Nicaraguan personnel.</p> <p>If producers do not want to include the participation of national personnel, they will pay in cash 5 percent of the cost of the budget to be implemented in the country, to be destined to the National Film Promotion Fund.</p> <p>The foreign productions that enter temporarily to the country with purpose of making films must pay a filming duty to be destined to the National Film Promotion Fund.</p> <p>Any foreign natural or legal person that performs any type of audiovisual or film production in any format must be registered at the National Cinematheque of Nicaragua.</p>

Once the production is finished, a copy of it must be deposited in the Film Archive of the National Cinematheque of Nicaragua.

Audiovisual advertising works carried out totally or partially outside of Nicaragua must apply to the National Cinematheque of Nicaragua the respective authorization for its exhibition in the national territory. 20 percent of the advertising audiovisual works exhibited or transmitted in cinemas, television or cable television must be of national production.

Every foreign artists or musical bands may only present performances in Nicaragua through a previous contract or through government agreements.

Foreign artists performing commercial programs, shows or magazines in Nicaragua must include in their program a Nicaraguan artist or group of similar performance, which must be remunerated.

If the foreign artists or artistic groups do not wish to include the participation of a national artist in their program, they must pay in cash one percent of the net income they obtain from the show to the Nicaraguan Institute of Culture unless the country of origin of foreign artists or groups does not impose a similar tax to Nicaraguan artists or artistic groups.

The design and construction of public, pictorial and sculptural monuments erected in Nicaragua will be awarded through competition to national artists and when necessary, associated with foreign nationals.

Foreigners selected for the design and construction of public, pictorial, or sculptural monuments erected in Nicaragua, shall do it in association with Nicaraguan artists.

Cinematographic works co-produced with Nicaraguan professionals or residents in the Member States of the Latin American Agreement Co-production, the Directors of these co-productions shall be nationals or residents of Member States or co-producers of Latin America, Caribbean or other Spanish or Portuguese speaking countries.

### **Annex I Entry 3 – Tourism - Hotels, Restaurants, Tour Guides, Rent- a-Car and other Activities Related to Tourism**

<b>Sector:</b>	Tourism - Hotels, Restaurants, Tour Guides, Rent- a-Car and other Activities Related to Tourism.
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 306, Law of Incentives for the Tourism Industry of the Republic of Nicaragua, published in La Gaceta, Diario Oficial No. 117 of June 21, 1999 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 156 of August 21 of 2020.</p> <p>Regulation of the Tourist Service Provider Companies of Nicaragua, published in La Gaceta, Diario Oficial, No. 159 of August 21, 2019.</p> <p>Regulations for Travel Operators in Nicaragua, published in La Gaceta, Diario Oficial, No. 159 of August 21, 2019.</p> <p>Regulation that Regulates the Activity of Automotive and Water Vehicle Leasing Companies (Rent a Car), published in La Gaceta, Diario Oficial, No. 108 of June 8, 2001.</p> <p>Regulation that Regulates the Activity of Tourist Guides, approved on November 23, 2022, published in La Gaceta, Diario Oficial, No. 225 of November 30, 2022.</p> <p>Regulation of Nicaraguan Travel Agencies, published in La Gaceta, Diario Oficial, No. 159 of August 21, 2019.</p> <p>Hostel Regulations, published in La Gaceta, Diario Oficial, No. 159 of August 21, 2019.</p> <p>Regulation of the Companies Providers of Food and Beverage Services, published in La Gaceta, Diario Oficial, No. 159, of August 21, 2019.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>To provide tourism services in Nicaragua, an enterprise must be organized under the laws of Nicaragua; and a foreign national must reside in Nicaragua or appoint a legal representative in Nicaragua.</p> <p>This paragraph does not apply to the provision of tourism services during a cruise.</p>

Any person who avails oneself of the Law of Incentives of the Tourism Industry will be required to hire Nicaraguan personnel, with the exception of experts and specialized technicians, previous authorization from the Ministry of Labor. They will also be required to provide specialized and ongoing training to Nicaraguan citizen, according to the demands of tourism.

Only Nicaraguans can be tour guides.

## **Annex I Entry 4 – Gambling and Betting Services**

<b>Sector:</b>	Gambling and Betting Services
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 766, Text of the Special Law for the Control and Regulation of Casinos and Gambling Rooms, with its Incorporated amendments, published in La Gaceta, Diario Oficial, No. 238 of December 16, 2014 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 156 of August 21, 2020.</p> <p>Decree No. 06-2015, Regulation of Law No. 766 Special Law for the Control and Regulation of Casinos and Gambling Rooms, published in La Gaceta, Diario Oficial, No. 47 of March 10, 2015 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 156 of August 21, 2020.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>The casinos and gambling rooms will be authorized if they are within the categories established by Law.</p> <p>Every betting games operating in Nicaragua should be carried out in a Casino and/or Gambling Rooms, except those which by Law are expressly governed under another specific legal regime. In case of doubt as to the legal regime to be applied to a gambling game, the Authority of Application indicated in the present Law shall determine if it qualifies as a game under the scope of application of the present Law.</p> <p>The operation of casinos and gambling rooms is a permitted activity but not encouraged by the State, therefore, it is considered justified that the State may establish measures to avoid or contain unjustified proliferation of casinos and games or inadequate oversight of themselves, may establish objective and reasonable measures governing the exercise of free enterprise in this sector in order to guarantee public order, public security and the protection of vulnerable groups.</p> <p>In order to obtain the Operating Permit, the interested party must previously obtain the Casino or Gambling Room Operation Title-License, before the Enforcement Authority. If it is a legal person,</p>



copy duly authenticated by a Notary Public, of the testimony of the public deed of incorporation and the statute duly registered in the Public Mercantile Registry, including its modifications if applicable.

Once all the requirements related to the application process for the Casino or Gambling Room Operation Title-License have been fulfilled, prior to the issuance of the Title-License, the applicant must submit a surety bond granted by a financial institution regulated by the Superintendency of Banks and Other Financial Institutions.

Persons who have been shareholders, partners, directors or managers of a company sanctioned with partial or total closure or cancellation of the Title- License operating or Operating Permit of the Casino and / or Gambling Rooms cannot participate as a shareholder, partner, director, manager, representative or employee of a natural or legal person who holds a Title-License of operating as a Casino and / or Gambling Rooms.

Is expressly prohibited to participate directly or indirectly, as a player or punter in gambling of any kind taking place in casinos and gambling rooms, for people who are shareholders, partners, directors, managers, agents or employees of the same company or society to which it belongs the Casino or gambling room corresponding.

## **Annex I Entry 5 - Business Services (related to the sale of alcoholic beverages)**

<b>Sector:</b>	Business Services (related to the sale of alcoholic beverages)
<b>Obligations Concerned:</b>	Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>The Commerce Code of the Republic of Nicaragua, published in La Gaceta, Diario Oficial, N°. 248, of October 30, 1916 and its amendments.</p> <p>Law No. 306, Law of Incentives for the Tourism Industry of the Republic of Nicaragua, published in La Gaceta, Diario Oficial No. 117 of June 21, 1999 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 156 of August 21, 2020.</p> <p>Decree No. 26-96, Regulation of the Law of the National Police (Decreto 26- 96, published in La Gaceta, Diario Oficial, No. 32 of February 14, 1997 and its amendments.</p> <p>Law No. 872, Law on Organization, Functions, Career and Special Social Security Regime of the National Police, approved on June 26, 2014, Published in La Gaceta, Diario Oficial, No. 125 of July 7, 2014; and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 34 of February 22, 2022.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>A license is required for the operation of casinos, night clubs, discotheques, cockfighting and all types of permitted games of chance.</p> <p>Foreign citizens who sell alcoholic beverages through hotel and similar lodging services; food supply; beverages and entertainment centers, such as discotheques, cockfighting and all types of permitted games of chance, bars, canteens, billiards, among others; must have a duly updated residency card.</p> <p>Legal entities must be duly registered in the corresponding registry and appoint a legal representative domiciled in the country.</p>

## **Annex I Entry 6 – Services Related to the Construction**

<b>Sector:</b>	Services Related to the Construction
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decree No. 237, Law Regulating the Design and Construction Activity, ( <i>Decree No. 237</i> , published in La Gaceta, Diario Oficial, No. 263 of December 1, 1986 and its Consolidated Text, published in the La Gaceta, Diario Oficial, No. 10 of January 18, 2022.
<b>Description:</b>	Cross-Border Trade in Services  In order to supply construction services in Nicaragua an enterprise must be organized under Nicaraguan law; and a foreign national must reside in Nicaragua or appoint a legal representative in Nicaragua.

## **Annex I Entry 7 – Manufacture and Distribution of Firework. Distribution of Firearms and Ammunition**

<b>Sector:</b>	Manufacture and Distribution of Fireworks Distribution of firearms and Ammunition
<b>Obligations</b>	National Treatment (Article 8.2)
<b>Concerned:</b>	Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 510, Special Law for the Control and Regulation of Firearms, Ammunition, Explosives, and other Related Materials published in La Gaceta, Diario Oficial, No. 40 of February 25, 2005 and its Consolidated Text published in La Gaceta, Diario Oficial, No. 34 of February 22, 2022.</p> <p>Decree No. 26-96, Regulation of the Law of the National Police, published in La Gaceta, Diario Oficial, No. 32 of February 14, 1997.</p> <p>Law No. 872, Law of Organization, Functions, Career and Special Regime of Social Security of the National Police, published in La Gaceta, Diario Oficial No. 125 of July 7, 2014; and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 34 of February 22, 2022.</p> <p>Decree No. 28-2005, Regulation to the Special Law for the Control and Regulation of Firearms, Ammunition, Explosives, and other Related Materials, published in La Gaceta, Diario Oficial, No. 78 of April 22, 2005 and its amendments.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>To manufacture and commercialize fireworks and distribute firearms and ammunitions in Nicaragua, a foreign company must be organized under the Nicaraguan law and a foreign national must reside in Nicaragua.</p>

## Annex I Entry 8 – Private Security Services

<b>Sector:</b>	Private Security Services
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 903, Private Security Services Law, published in La Gaceta, Diario Oficial, No. 141 on July 29, 2015 and its Consolidated Text published in La Gaceta, Diario Oficial, No. 34 of February 22, 2022.</p> <p>Resolution DGTA No. 026 - 2013, Enabling and Accreditation of Surveillance Companies and Personnel Port Security Guards, published in <i>La Gaceta</i>, Diario Oficial, No. 89 of May 16, 2014.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>A company must be established in Nicaragua, in accordance with the laws of the country, to operate as company of private security guards.</p> <p>The personnel working for private security companies must be Nicaraguan or being foreigner have their updated residence or work permit issued by the appropriate authorities. Natural persons serving as armed guards must be of Nicaraguan nationality.</p> <p>Only the personnel registered with the Water Transport General Directorate of the Transport and Infrastructure may carryout protection works within ports.</p>

## **Annex I Entry 9 – Radio Broadcasting, Free Television Reception**

<b>Sector:</b>	Radio Broadcasting, Free Television Reception
<b>Obligations Concerned:</b>	National Treatment (Articles 11.2 and 8.2)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 200, General Law on Telecommunications and Postal Services and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.</p> <p>Administrative Agreement No. 07-97, Regulation of the Television Broadcasting Service, its consolidated text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019 and its amendments.</p>
<b>Description:</b>	<p>Investment and Cross-Border Trade in Services</p> <p>A licenses for social communication media (open television and AM and FM sound radio broadcasting) will only be granted to Nicaraguan natural or legal persons; in the case of legal persons, Nicaraguan nationals must own 51 percent of the capital whose shares will be nominative.</p>

**Annex I Entry 10 – Communications - Professional Radio and Television  
Broadcast Services**

**Sector:** Communications - Professional Radio and Television Broadcast Services

**Obligations** National Treatment (Article 8.2)

**Concerned:** Most-Favored-Nation Treatment (Article 8.3)

**Level of** Central

**Government:**

**Measures:** Decree No. 66-72, In broadcasters and televisions of the country, only Nicaraguan announcers can be used for narratives of sports programs, published in La Gaceta, Diario Oficial, No. 256, November 10, 1972.

**Description:** Cross-Border Trade in Services

Enterprises that provide radio and television broadcast services in Nicaragua may only use the professional services of Nicaraguan broadcasters for narration, commentary and live transmission or retransmission of sports or commercial programs of the same nature.

Notwithstanding the foregoing, foreign nationals will be allowed to serve as broadcasters if the laws of their own countries allow Nicaraguan nationals to supply such services.

The provisions of this measure shall not apply to the broadcast of programs by foreign announcers when the transmission of such programs is aimed exclusively to other countries.

## **Annex I Entry 11 – Communications - Services and Public Telecommunications Networks**

<b>Sector:</b>	Communications - Services and Public Telecommunications Networks
<b>Obligations Concerned:</b>	Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Executive Decree No. 19-96, Regulation of Law No. 200 General Law on Telecommunications and Postal Services published in La Gaceta, Diario Oficial No. 177 of September 19, 1996 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>The granting of an enabling title, issued by the Nicaraguan Institute of Telecommunications and Post (<i>Instituto Nicaraguense de Telecomunicaciones y Servicios Postales - TELCOR</i>), telecommunications regulatory entity, is required for the provision and commercialization of Telecommunications services.</p> <p>This authorization may be granted to Nicaraguan or foreign natural or legal persons. Foreign natural persons must have a valid residency card and legal domicile in the country.</p>



## Annex I Entry 12 – Communications - Public Telecommunications Networks

<b>Sector:</b>	Communications - Public Telecommunications Networks
<b>Obligations Concerned:</b>	Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 200, General Law on Telecommunications and Postal Services, published in La Gaceta, Diario Oficial, No. 154 of August 18, 1995 and its amendments and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.</p> <p>Administrative Agreement No. 06-97: Regulation of Subscription Television Services, published in La Gaceta, Diario Oficial, No. 205 of October 28, 1997, its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019 and its amendments.</p> <p>Administrative Agreement No. 02-97: Regulation of Satellite Communications Services, published in La Gaceta, Diario Oficial, No. 74 of April 22, 1997.</p> <p>Decree No. 32-2012, Amendments and Additions to Executive Decree No. 128-2004, "General Regulation of the Organic Law of TELCOR, published in La Gaceta, Diario Oficial, No. 188 of October 3, 2012.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>A license granted by the Nicaraguan Institute of Telecommunications and Postal Services (<i>Instituto Nicaraguense de Telecomunicaciones y Servicios Postales</i> - TELCOR), Regulator Entity, is required to install, operate or use a Public Telecommunications Network for the provision of services regarding the television by subscription.</p> <p>Companies that commercialize directly satellite radio and television signals and the companies that offer satellite carrier services must perform signal landing agreements with TELCOR.</p> <p>To commercialize satellite communications services and exploit the rights of emission and reception of signals and associated frequency bands associated to satellite systems covering and can provide services in the Nicaraguan territory requires a license granted by TELCOR.</p> <p>A permit granted by TELCOR is required for the establishment of facilities that require assignment of radio electric frequencies and that have not been specifically authorized in the concessions and licenses, as well as those of the operators of private networks.</p>

The right to use and exploit the satellite orbits and the radio frequency spectrum assigned and/or awarded to satellite radio services is granted through the Concession Contract.

Arrange and coordination of satellite orbits and its radio electric frequency spectrum, both agencies of the International Telecommunication Union (ITU) and with agencies and public and / or private institutions concerned, is the exclusive power of TELCOR.

**Annex I Entry 13 – Communications - Services and Public Telecommunications  
Networks (including Telephony)**

<b>Sector:</b>	Communications - Services and Public Telecommunications Networks (including Telephony)
<b>Obligations Concerned:</b>	Most Favored Nation Treatment (Article 8.3) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Political Constitution of the Republic of Nicaragua and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 181 of September 28, 2022.</p> <p>Law No. 200, General Law on Telecommunications and Postal Services, and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.</p> <p>Executive Decree No. 19-96, Regulation of Law No. 200, General Law on Telecommunications and Postal Services, and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.</p> <p>Consolidated Text, Regulation for the Preparation and/or Modification of the National Plans for Routing, Availability and Traffic Security of Telecommunications Services and Networks, Administrative Agreement No. 001-2004, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.</p> <p>Administrative Agreement 20-99, General Interconnection and Access Regulation, published in La Gaceta, Diario Oficial, No. 146 of August 2, 1999.</p> <p>Administrative Agreement No. 02-97, Regulation of Satellite Communications Services, published in La Gaceta, Diario Oficial, No. 74 of April 22, 1997.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>The telecommunications services included in this reservation include those that are provided to the public or to satisfy particular needs.</p> <p>An enabling title granted by TELCOR is required for:</p> <ol style="list-style-type: none"><li>a. To install radio infrastructure and using, taking advantage of or exploiting a band frequency in the national territory, except for the operation of industrial, scientific and medical equipment, in involuntary radiators or voluntary radiators with a power of less than fifty milliwatts or in accordance with other TELCOR standards;</li></ol>

- b. providing services operating or exploiting public telecommunications networks or marketing services of authorized network operators;
- c. operating satellites that cover and can provide services in the national territory and commercializing satellite communications services; and
- d. exploiting the rights of emission and reception of signals of frequency bands associated with foreign satellite systems that cover and can provide services in the national territory.

The operators of private networks that intend to commercially exploit the services must obtain a license granted by TELCOR, in which case their networks will adopt the character of a public telecommunications network. The private network operators will require an enabling title when, in the opinion of TELCOR, it is necessary to monitor the compliance with restrictions on interconnection of certain services that use of private networks.

To obtain a qualification certificate, natural and legal persons must comply with the requirements set forth in Law No. 200. Foreign natural persons must possess identification of residence and legal address in the country and foreign legal persons must comply with the provisions in the *Commercial Code of the Republic of Nicaragua*.

The Public telecommunications networks include the public telecommunications infrastructure that enables telecommunications between defined endpoints of the network. Public telecommunications networks do not include end-user telecommunications terminal equipment, or telecommunications networks located beyond the completion point of the network termination.

The enabling titles for frequency bands for the cellular telephone service will be granted by TELCOR through public tender process. Likewise, TELCOR will carry out public tenders for permits for the assignment of radioelectric spectrum when the number of requests for a certain segment of spectrum exceeds the availability of radioelectric frequencies required to meet all requests.

When in foreign countries there are no conditions of competition for the provision of international services, TELCOR may establish requirements of proportionality, interconnection points and non-discrimination for the reception of incoming traffic by different operators. Authorized Operators shall submit and maintain updated before TELCOR, the records of each node or switching center belonging to the operators with whom they establish contract(s) to provide service transport international long-distance calls (LDI). In order to maintain registered and updated international routing paths, operators providing call services of international long distance (ILD) that establish interconnection agreements with foreign operators shall notify and submit to TELCOR copy of the interconnection contract signed between the parties.

## Annex I Entry 14 – Communications

<b>Sector:</b>	Communications
<b>Obligations Concerned:</b>	Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 200, General Law on Telecommunications and Postal Services, published in La Gaceta, Diario Oficial, No. 154 of August 18, 1995 and its amendments and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.</p> <p>Administrative Agreement No. 19-96: Regulation of Law No. 200, General Law on Telecommunications and Postal Services, published in La Gaceta, Diario Oficial, 177 of September 19th, 1996 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.</p> <p>The Commerce Code of the Republic of Nicaragua, published in La Gaceta, Diario Oficial, No. 248 of October 30, 1916 and its amendments.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>For the provision of telecommunications and postal services, or for the use of the radio electric spectrum or other means of transmission, it requires qualifying documents (concessions, licenses, registrations or permits) granted by the Nicaraguan Institute of Telecommunications and Postal Services - <i>TELCOR</i>), which will be issued only to natural or legal Nicaraguans or foreign persons who have legal representation in the country and who are registered in the corresponding register, to submit to the jurisdiction of the courts of the Republic of Nicaragua and be subject to all the provisions of the law, regulations, rules, resolutions and administrative arrangements applicable to the telecommunications sector and postal services.</p> <p>Interconnection contracts or any other in telecommunications area, which companies are seeking to subscribe with foreign governments, must be processed through <i>TELCOR</i>.</p>

## Annex I Entry 15 – Electricity Distribution

**Sector:** Electricity Distribution

**Obligations** Market Access (Article 8.4)

**Concerned:** Local Presence (Article 8.5)

**Level of Government:** Central

**Measures:** Law No.272, Electric Industry Law, published in La Gaceta, Diario Oficial, No.74 of April 23, 1998 and its Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021 and its amendments.

Decree No. 42-98, Regulation of the Electric Industry Law, published in La Gaceta, Diario Oficial, No. 176 of September 17, 2012 and its consolidated text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021 and its amendments.

Law No. 1056, Law on Sovereign Assurance and Guarantee of Electricity Supply to the Nicaraguan Population, published in La Gaceta, Diario Oficial, No. 237 of December 22, 2020.

Law 554, Energy Stability Law, published in La Gaceta, Diario Oficial, No. 224, of November 18, 2005 and its Consolidated Text, in Law 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021 and its amendments.

**Description:** Cross-Border Trade in Services

To participate in the distribution of electrical energy, a company must be organized under the laws of Nicaragua.

Power distributors may not generate and/or transmit power, except in the following exceptions:

1. in case of providing distribution services in isolated systems, or
2. If the combined own generation capacity is up to 10,000 kW, when it is connected to the National Interconnected System (SIN).
3. Energy distributors may install and operate in the national electricity market up to twenty percent of their own renewable energy generation capacity that does not come from hydrocarbons. This authorization is non-transferable. The sale prices of the energy generated by the distributors shall be subject to the provisions of the Reference Price Band for new energy generation contracts with renewable sources, issued for such purpose by the Ministry of Energy and Mines (*MEM*).

## **Annex I Entry 16 – Electrical Power - Power Generation of Hydroelectric Project**

<b>Sector:</b>	Electrical Power - Power Generation of Hydroelectric Projects
<b>Obligations Concerned:</b>	Senior Management and Boards of Directors (Article 11.9) Market Access (Article 8.4)
<b>Level of Government:</b>	Central
	Law No. 620, General Law on National Waters, published in La Gaceta, Diario Oficial, No. 169 of 04 September 2007, and its amendments.
	Decree No. 44-2010, Regulations to Law No. 620, General Law on National Waters, published in La Gaceta, Diario Oficial, No. 150 and No. 151 of 9 and 10 August 2010.
<b>Measures:</b>	Law No. 467, Law for the Promotion of the Hydroelectric Sub-sector, published in La Gaceta, Diario Oficial, No. 169 of 5 September 2003 and its Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest for the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of 14 July 2021.
	Law No. 532, Law for the Promotion of Electricity Generation with Renewable Sources, published in La Gaceta, Diario Oficial, No. 102 of 27 May 2005 and its Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of 14 July 2021; and its amendments.
<b>Description:</b>	Investment and Cross-Border Trade in Services Hydroelectric power plants whose installed capacity exceeds 30 MW or their reservoir at its maximum operating level has an area greater than 25 square kilometers in extension require a special and specific law for each project. A Water Use Permit is required for the generation of hydraulic power of more than one megawatt up to a maximum of thirty megawatts, in a specific Basin and after consultation with the affected municipalities or corresponding Autonomous Regional Council. The concession for the use of water for hydroelectric generation in the Asturias, Apanás and Río Viejo basins is for the exclusive use and exploitation of the State for hydroelectric generation.

## Annex I Entry 17 – Energy – Geothermal Energy Generation

<b>Sector:</b>	Energy - Geothermal Energy Generation
<b>Obligations Concerned:</b>	National Treatment (Articles 8.2 and 11.2) Performance Requirements(Article 11.8) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Political Constitution of the Republic of Nicaragua with its incorporated amendments, published in La Gaceta, Diario Oficial, No. 32 of February 18, 2014 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 181 of September 28, 2022.</p> <p>Law No. 443, Law on Exploration and Exploitation of Geothermal Resources, published in La Gaceta, Diario Oficial, No. 222 on November 21, 2002, Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021 and its amendments.</p> <p>Executive Decree No. 45-2010, Regulation of the Law of Exploration and Exploitation of Geothermal Resources, published in La Gaceta, Diario Oficial, No. 152 of August 11, 2010 and its amendments consolidated in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021.</p> <p>Law No.272, Law of the Electric Industry (Ley de la Industria Eléctrica), published in La Gaceta, Diario Oficial, and No.74 of April 23, 1998, Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021; and its amendments.</p> <p>Decree 42-98, Regulation of the Electricity Industry Law (Reglamento a la Ley de Industria Eléctrica), published in La Gaceta, Diario Oficial, No. 176 of September 17, 2012, Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021; and its amendments</p>
<b>Description:</b>	<p>Investment - Cross Border Trade in Services</p> <p>Natural or legal persons may carry out, with the participation of the Nicaraguan Electricity Company (<i>Empresa Nicaraguense de Energía Eléctrica - ENEL</i>), preliminary investigations for the exploration and exploitation of geothermal resources, previous authorization from the Ministry of Energy and Mines (<i>Ministerio de Energía y Minas- MEM</i>).</p> <p>ENEL's participation in the exploration and exploitation activities of existing geothermal resources, designated as national patrimony in accordance with the Political Constitution of the Republic of Nicaragua, entails obtaining at no cost, at least ten percent of the shareholding of the applicant Company or any other form of participation in the capital stock, which entitles them to a position on its Board of Directors, with the right to speak and vote. Once the shares are transferred in</p>



favor of ENEL, its percentage participation may not be reduced for any reason. The State, represented by ENEL, will not assume for any reason risk, debt, guarantee, or responsibility of any kind, since they will be assumed at the expense and risk of the investors, national or foreign.

To explore or exploit geothermal resources, an Environmental Impact Study (*Estudio de Impacto Ambiental - EIA*) is required to obtain the Environmental Permit from the Ministry of the Environment and Natural Resources (*Ministerio del Ambiente y Recursos Naturales - MARENA*).

It is required to obtain an Electric Power Generation License, granted by the State through the MEM.

## **Annex I Entry 18 – Services Incidental to Mining - Metallic and Non-Metallic Minerals**

<b>Sector:</b>	Services Incidental to Mining - Metallic and Non-Metallic Minerals
<b>Obligations Concerned:</b>	Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 387, Special Law on Mining Exploration and Exploitation, published in La Gaceta, Diario Oficial, No. 151 of August 13, 2001 and its Regulations, Decree N°119-2001 and its Consolidated Text, in Law 1045 Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021.</p> <p>Law No. 1128, Law on Amendments and Additions to Law No. 387 Special Law on Exploration and Exploitation of Mines, published in La Gaceta, Diario Oficial, No. 163 of August 31, 2022.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>Foreign companies and natural and legal persons of the same condition, non-residents in the country, must appoint a legal representative with sufficient power to acquire rights and contract obligations on behalf of their principal, and register their company in the relevant registry and establish themselves so that they can be granted a mining concession for the exploration and exploitation phases of the resource.</p> <p>To grant concessions in the mining reserve areas, the interested parties must sign alliances, associations, partnerships with private, public or mixed companies or any form of participation proposed by the Ministry of Energy and Mines (<i>Ministerio de Energía y Minas - MEM</i>).</p>

## Annex I Entry 19 – Services Incidental to Mining - Hydrocarbons

<b>Sector:</b>	Services Incidental to Mining - Hydrocarbons
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Political Constitution of the Republic of Nicaragua with its Incorporated amendments, published in La Gaceta, Diario Oficial, No. 32 of February 18, 2014 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 181 of September 28, 2022.</p> <p>Law No. 286, Special Law on Exploration and Exploitation of Hydrocarbons, published in La Gaceta, Diario Oficial, No. 109 of June 12, 1998 and its Consolidated Text published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021.</p> <p>Law No. 1016, Law Creating the National Hydrocarbon Exploration and Exploitation Company (ENIH), published in La Gaceta, Diario Oficial, No. 30 of February 14, 2020.</p> <p>Executive Decree No. 43-98, Regulations to the Special Law on Exploration and Exploitation of Hydrocarbons, published in La Gaceta, Diario Oficial, No. 117 of June 24, 1998 and its Consolidated Text published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>Foreign companies to enter into contracts under Law No. 286, they must establish a branch or constitute a company in accordance with the laws of Nicaragua; in addition, they must appoint and maintain during the term of the contract, a legal representative with sufficient powers to bind the company and domiciled in the country.</p> <p>The Contractor will give preference to national subcontractors to carry out specialized services. Provided that they are available at the time the work is required, at a competitive cost and that they have the technical capacity, equipment and competence to carry out the work in accordance with the requirements demanded by the Contractor.</p> <p>Whenever they are not available in the country or when the existing ones do not meet the technical specifications of quality, cost and opportunity, the Contractor and the sub-contractor may acquire goods, materials and equipment and hire services abroad.</p> <p>Hydrocarbon deposits in their natural state are national patrimony. Its dominion corresponds to the State, regardless of its location in the territory of the Republic. The State, represented by the National Hydrocarbons Exploration and Exploitation Company (<i>Empresa Nacional de Exploración</i></p>

y *Explotación de Hidrocarburos - ENIH*), will participate in the activities provided for in Law No. 879, at no cost or risk.

In the activities of surface reconnaissance, exploration and exploitation of hydrocarbons produced in the country, as well as their transportation, storage and commercialization, ENIH must participate as executing body in all requests related to the development, exploration and exploitation of the hydrocarbon resources regulated under this law, to such effects the natural or legal persons that submit their requests must previously enter into the corresponding agreements of participation of ENIH, in their corresponding requests before the Ministry of Energy and Mines (*the Ministry of Energy and Mines - MEM*), subscribing the models of cooperation and/or alliance with the companies interested in obtaining permits or entering into contracts under the protection of Law No. 286.

The State represented by ENIH does not assume for any reason, any kind of risk, debt, or responsibility, since they will be assumed at the expense and risk of the Contractor, adhering to the provisions of article 25 of Law No. 286. Those interested in obtaining a permit must submit to the General Directorate of Hydrocarbons of the MEM, the instrument in which the participation of ENIH is recorded.

Upon termination of the contract, the contractor will hand over ownership to the State represented by ENIH, at no cost, the lands and permanent works and facilities.

## Annex I Entry 20 – Fisheries and Aquaculture

<b>Sector:</b>	Fisheries and Aquaculture
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Performance Requirements (Article 11.8) Senior Management and Boards of Directors (Article 11.9)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 489, Fisheries and Aquaculture Law, published in La Gaceta, Diario Oficial, No. 251 of December 27, 2004, and its Consolidated Text published in La Gaceta, Diario Oficial, No. 43 of March 4, 2015.</p> <p>Executive Decree No. 30-2008, Amendments to Decree No. 09-2005, Regulations to Law No. 489, Fisheries and Aquaculture Law, published in La Gaceta, Diario Oficial, No. 130 of July 9, 2008 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 148 of August 10, 2021.</p> <p>Decree No. 009-2005, Regulation of Law No. 489, Fisheries and Aquaculture Law, published in La Gaceta, Diario Oficial, No. 40 of February 25, 2005 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 148 of August 10, 2021.</p> <p>NTON 03-045-03 Nicaraguan Mandatory Technical Standard for Fishing Gear and Methods and its annexes, published in La Gaceta, Diario Oficial, No. 231 and 236 of December 02 and 10, 2010.</p> <p>Presidential Decree No. 09-2019 "Provisions for the Fishing of Tunas, Related and Associated Species", published in La Gaceta, Diario Oficial, No. 67 of April 4, 2019.</p> <p>Executive Resolution-PA-No.003-2020, Declaration of the Management Regime of the Nicaraguan Caribbean Spiny Lobster (<i>panulirus argus</i>) Fishery from Open to Limited Access, published in La Gaceta, Diario Oficial, No. 91 of May 21, 2020.</p> <p>Executive Resolution PA-No.006-2014, Fisheries management measures and mechanisms for the collection and mobile commercialization of hydrobiological resources, published in La Gaceta, Diario Oficial, No. 123 of July 3, 2014</p> <p>IPSA-INPESCA Inter-institutional Resolution for Collection Centers for Fishery and Aquaculture Products, Inter-institutional Resolution, approved on December 17, 2020, published in La Gaceta, Diario Oficial, No. 03 of January 6, 2021.</p>
<b>Description:</b>	Investment

In order to obtain a commercial fishing license, it is required to be constituted as a Nicaraguan legal entity and be duly registered in the Public Mercantile Registry (*Registro Público Mercantil*) and must appoint a legal representative with residence in Nicaragua and known address.

The use of fishing resources by foreign-flagged vessels will be supplementary to that carried out by the national fleet and will be subject to the regulations established in the corresponding Law and the conditions and limitations established in the international agreements and treaties ratified by Nicaragua.

Artisanal Small Scale Fishing is reserved exclusively for nationals of Nicaragua.

All fishing and aquaculture production for export purposes must be processed in plants duly authorized and installed in the national territory, in compliance with the specific regulations and provisions for each resource hydro biological.

The 90 percent of on board personnel and 100 percent of ship captains must be Nicaraguan.

No licenses or Fishing permits will be granted to foreign-flag vessels for fisheries subject to limited access regime, except those which have been granted to the date of entry into force of Law 489. Resources declared in fully exploitation under the regime of limited access are: the resource spiny lobster in the Caribbean Sea and the coastal shrimp resource of the Peneidos family in the Caribbean Sea and the Pacific Ocean and subsequently declared the Nicaraguan Institute of Fishery (*Instituto Nicaraguense de la Pesca - INPESCA*).

The Special license for fishing of tunas and highly migratory species may be granted to vessels flying the national flag or foreign flag vessels that have been chartered or leased with or without an option to purchase in which participate Nicaraguan natural or legal persons or national companies with foreign participation.

Foreign flag vessels may only be authorized by the competent authority to perform scientific fishing and sport fishing or may be for commercial fishing of freely accessible resources. In no case shall be authorized for commercial fishing of resources limited access, without prejudice to the licenses already granted.

The labor legislation will be applied for gradual recruitment of Nicaraguan personnel, when most of the crew is foreign, due to the preparation of the same. In such a case the license holder shall promote programs of training or training for the Nicaraguan personnel.

## Annex I Entry 21 – All Sectors

<b>Sector:</b>	All Sectors
<b>Subsector:</b>	Consumer, savings and credit, agricultural, production and labor cooperatives, housing, fishing, public services, cooperatives; cultural, educational, youth and others of interest of the population.
<b>Obligations Concerned:</b>	National Treatment (Articles 8.2, 11.2) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 499, General Law of Cooperatives, published in Published in La Gaceta, Diario Oficial, No. 17 of January 25, 2005, and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 137 of July 26, 2022.  Law No. 84, Law on Agricultural and Agroindustrial Cooperatives, published in La Gaceta, Diario Oficial, No. 62 of March 28, 1990.  Decree No. 16-2005, General Regulations to Law No. 499. General Cooperatives Law, published in La Gaceta, Diario Oficial, No. 55 of March 18, 2005.
<b>Description:</b>	Investment and Cross-border trade in services  The proportion of foreign national partners may not exceed 10 percent of the total, at the moment of the establishment of a Cooperative in Nicaragua.  Foreign nationals shall be authorized by the migration authorities as residents in the country in order to become members of a cooperative of Nicaragua.  The proportion of foreign national partners may not exceed 25% of the total, at the moment of establishment of a Nicaraguan Farming Cooperative and those foreign nationals shall be duly authorized.

## Annex I Entry 22 – Land Transportation

<b>Sector:</b>	Land Transportation
<b>Obligations Concerned:</b>	National Treatment (Articles 8.2 and 11.2) Most-Favored-Nation Treatment (Articles 8.3 and 11.3) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 524, General Land Transportation Law, published in La Gaceta, Diario Oficial, No. 72 of April 14, 2005, and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 17 of January 26, 2021.</p> <p>Executive Decree No. 42-2005, Regulation of the General Land Transportation Law, published in La Gaceta, Diario Oficial, No. 113 of June 13, 2005 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 17 of January 26, 2021.</p>
<b>Description:</b>	<p>Investment and Cross-Border Trade in Services</p> <p>The transfer of any type of cargo within the national territory shall be carried out only by Nicaraguan carriers. The Ministry of Transport and Infrastructure (<i>Ministerio de Transporte e Infraestructura - MTI</i>) may authorize, exceptionally and temporarily the provision of this service for specialized cargo to vehicles with a foreign license plate, provided that the company owners of the load is based in Nicaragua and preserving the principle of reciprocity.</p> <p>Foreign companies of international cargo to be installed in the country must comply with the following special requirements:</p> <ol style="list-style-type: none"><li>1. The 51 percent of its capital, at least, belongs to Nicaraguan people.</li><li>2. The effective control and management of the company are equally in the hands of Nicaraguans.</li></ol> <p>The transfer of local cargo can only be carried out by national carriers, reserving the State of Nicaragua and its authorities the right to authorize the owners of motor vehicles from the subscribing countries of SIECA (<i>Central American Economic Integration Subsystem</i>), as long as in their countries of origin apply the principle of reciprocity to Nicaraguan nationals.</p> <p>Export cargo to countries outside the Central American area and its transfer to transitory ports, local cargo and its national transit will be carried out by national carriers, preserving the principle of reciprocity and what is established by the Central American Economic Integration Subsystem.</p> <p>The cargo entered into the national fiscal warehouses can only be transferred to any point of the national territory by national carriers.</p> <p>Only Nicaraguan persons can provide collective transportation services in the interior of Nicaragua.</p>



## **Annex I Entry 23 – Maritime Transportation**

<b>Sector:</b>	Maritime Transportation
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Most-Favored-Nation Treatment (Article 8.3) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 399, Water Transport <i>Law</i>, published in La Gaceta, Diario Oficial, No. 166 of September 3, 2001.</p> <p>JGRN Decree No.1549, Regulatory Law for the Pilotage Service, published in La Gaceta, Diario Oficial, No. 4 of January 5, 1985.</p> <p>Ministerial Agreement No. 66-2007. Rules for the authorization of companies and cooperatives that provide cargo loading and unloading services in national ports, published in La Gaceta, Diario Oficial, No. 2 of January 3, 2008.</p> <p>DGTA Resolution No. 021 - 2014, published in La Gaceta, Diario Oficial, No. 121 of July 1, 2014.</p> <p>DGTA Resolution No. 004-2014, published in La Gaceta, Diario Oficial, No. 35 of February 21, 2014. (Certification of Machines and Equipment, Port Administration must maintain current Certification of Port Machines and Equipment issued by DGTA authorities).</p> <p>DGTA Resolution No. 030-2009, published in La Gaceta, Diario Oficial, No. 63 of April 2, 2014.</p>
<b>Description:</b>	<p>Cross-border trade in services</p> <p>To operate as a Nicaraguan ship-owner or shipping company, a natural person must be a national of Nicaragua and a company has to be organized under the laws of Nicaragua.</p> <p>To operate as a shipping agent, general shipping agent or consignee shipping agent is required, in the case of natural persons, to be Nicaraguan national, and a company needs to be organized under the laws of Nicaragua.</p> <p>Public transportation of passengers and cargo by aquatic waterways can only be provided by nationals.</p> <p>The operation and use of vessels in internal traffic and cabotage for commercial purposes is reserved for national flag vessels and exploited by national ship-owners. However, in conditions of reciprocity, national ship-owners may use vessels with flag of any other Central American country.</p> <p>Only the Nicaraguan national maybe appointed as official drivers of any port in Nicaragua.</p>

The enterprises, companies or cooperatives intending to provide cargo stowage and cargo unloading services in national ports, to be enabled and registered as such shall comply with the national legislation.

The authorization of new stevedoring companies is subject to the overcoming of cargo volumes that have historically handled each of the National Ports, the operational capacity of the port facilities and the operational capacity of the existing stevedoring companies. The approval or disapproval of the operation of new companies in the ports of the country it is a faculty of the Approval Committee.

Any natural or legal person dedicated to maritime activities that intends to provide a professional service or an activity defined in article 3 of Law 399 of the Water Transport Law, must also comply with the requirements established in the formalities of procedures (Leaves of requirements) implemented for each activity, the parameters established in DGTA Resolution No. 030-2009.

## Annex I Entry 24 – All Sectors

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	Market Access (Article 8.4 )
<b>Level of Government:</b>	Central  Law No. 800, Law on the Legal Regime of the Nicaraguan Grand Interoceanic Canal and the Creation of the Nicaraguan Grand Interoceanic Canal Authority, published in La Gaceta, Diario Oficial, No. 128 of July 9, 2012.
<b>Measures:</b>	Law No. 840, Special Law for the Development of Infrastructure and Nicaraguan Transportation Related to the Canal, Free Zones Commerce and Associated Infrastructures, published in La Gaceta, Diario Oficial, No. 110 of June 14, 2013.
<b>Description:</b>	Investment and Cross-Border Trade in Services  The Authority of the Grand Interoceanic Canal of Nicaragua will determine the economic activities that can be carried out in the special economic zone, as well as the applicable regulations for each of these activities, in coordination with the competent authorities of the state.  Nicaragua grants exclusive concession to <i>Empresa Desarrolladora de Grandes Infraestructuras, S.A.</i> and its assignees for the Development and operation of each Sub- Project contemplated in the Nicaraguan Interoceanic Grand Canal Project in accordance with the provisions of the Framework Concession Agreement for a term of 50 years from the start of commercial operations, subject to the extensions contemplated in the Concession Framework Agreement and extendable in each case for a period of 50 additional years, which will begin immediately after the expiration of the initial term.

## Annex I Entry 25 – Transport – Air Transport

<b>Sector:</b>	Transport - Air Transport
<b>Obligations</b>	National Treatment (Articles 8.2 and 11.2)
<b>Concerned:</b>	Most Favored Nation Treatment (Articles 8.3 and 11.3) Local Presence (Article 8.5) Senior Management and Boards of Directors (Article 11.9)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 595, and its amendment Law No. 988, General Civil Aeronautics Law, published in La Gaceta, Diario Oficial, No. 193 of October 5, 2006 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 17 of January 26, 2021.
<b>Description:</b>	Investment and Cross-border trade in services  To own a Nicaraguan-registered aircraft, it requires:  <ol style="list-style-type: none"><li>1. be a Nicaraguan natural or legal person; in the case of several co-owners, the majority whose rights exceed half the value of the aircraft, must maintain their real domicile in Nicaragua; or if it is a legal person, company or association, be constituted in accordance with the laws of the Republic or have legal domicile in Nicaragua;</li><li>2. To be foreign natural person with a permanent address in Nicaragua;</li><li>3. To be foreign person not domiciled in Nicaragua, as long as there is a credit purchases-and-sales contract or leasing with or without an option to buy. The registration and the enrollment are provisional.</li></ol>

## Annex I Entry 26 – Transport – Air Transport

<b>Sector:</b>	Transport - Air Transport
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Most-Favored-Nation Treatment (Article 8.3) Local Presence (Article 8.5) Senior Management and Boards of Directors (Article 11.9)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 595 and its amendment Law No. 988, General Civil Aeronautics Law, published in La Gaceta, Diario Oficial, No. 193 of October 5, 2006 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 17 of January 26, 2021 and its amendments.
<b>Description:</b>	<p>Cross-border trade in services</p> <p>To be the owner of a Nicaraguan-registered aircraft that provides complementary services for air transport, it is required to be a Nicaraguan natural or legal person.</p> <p>To carry out aerial work in any of its specialties, individuals or companies must obtain prior authorization from the Aeronautical Authority and comply with the applicable provisions, technical regulations and be subject, among others, to the following requirements:</p> <ol style="list-style-type: none"><li>1. possess technical and economic capacity according to the specialty in question; and</li><li>2. operate with Nicaraguan registered aircraft.</li></ol> <p>The Aeronautical Authority may dispense with the Nicaraguan nationality of the owner and the aircraft when, in the country, there are no companies or aircraft capable of carrying out a certain specialty of aerial work.</p> <p>The operation of the air transport service within the national or internal territory may only be carried out by Nicaraguan natural or legal persons.</p> <p>In the case of the person who commercially exploits the internal air transport service, is a legal person, the president of the Board of Directors or Administration Council must be Nicaraguan, and at least 51% of the directors must be of Nicaraguan origin.</p> <p>Exceptionally, when there are reasons of general interest, the Aeronautical Authority may authorize foreign companies to carry out internal flights, as well as the provisions of Law 595.</p>

The aeronautical personnel who work in the national air transport services must be of Nicaraguan nationality. In the absence of this, duly verified, non-Nicaraguan personnel maybe hired in accordance with the provisions of national legislation.

## Annex I Entry 27 – Professional Services

<b>Sector:</b>	Professional Services
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Most Favored Nation Treatment (Article 8.3) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decree - Law No. 132, Law for the Incorporation of Professionals in Nicaragua, published in La Gaceta, Diario Oficial, No. 47 of November 2, 1979.  Decree A.N. No. 7539, Decree of Approval of the "Agreement on the Exercise of University Professions and Recognition of University Studies, published in La Gaceta, Diario Oficial, No. 131 of July 15, 2014.
<b>Description:</b>	Cross-Border Trade in Services  Foreign professionals may practice in Nicaragua in the manner and subject to the same conditions as in their home country are permitted for Nicaraguans people.  Nicaragua agrees that, if the jurisdiction in a foreign country allows the Nicaraguan nationals to request and receive the licenses or certificates required to practice a profession in such jurisdiction, it will be also allowed to a foreigner who has a license or a certificate to practice a profession in such jurisdiction, to apply for and receive a license o certificate requested to practice in Nicaragua.  Additionally, the relevant professional association in Nicaragua will acknowledge a license granted by a foreign jurisdiction and will allow the license holder to register in the association and to practice the profession in Nicaragua based on the foreign license, in the following cases: <ol style="list-style-type: none"><li>no academic institution in Nicaragua offers a study program that would allow the practice of the profession in Nicaragua;</li><li>the license holder is a recognized expert in his profession;</li><li>allowing the professional to practice in Nicaragua will deepen, through training, demonstration or other similar opportunity, the development of the profession in Nicaragua.</li></ol> The Central American nationals by birth who has obtained a Professional Degree or an equivalent Academic Diploma, in one of the Central American countries that legally enable him to practice a university profession will be admitted to the practice such activities in Nicaragua, provided it complies the same requirements and formalities that, for such exercise, it is required to Nicaraguans university graduates. The above provision shall apply while the person concerned retains the nationality of one of the countries of Central America.

## **Annex I Entry 28 – Public Accounting and Auditing Services Provided to Companies**

<b>Sector:</b>	Public Accounting and Auditing Services Provided to Companies
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 6, Law for the Practice of Public Accountant, published in La Gaceta, Diario Oficial, No. 94 of April 30, 1959 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 72 of April 21, 2022.
<b>Description:</b>	Cross-border Trade in Services  Foreign firms and associations of Public Accountants, Auditors or Accountants, in their individual or corporate capacity, may not practice the profession in Nicaraguan territory, nor any activity related to it, if they do not do so through a Nicaraguan firm or association of Authorized Public Accountants, or through a firm foreigner with residence or domicile in the country.



## Annex I Entry 29 – Professional Services - Notary

<b>Sector:</b>	Professional Services - Notary
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Most-Favored-Nation Treatment (Article 8.3)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 260, Organic Law of the Judiciary of the Republic of Nicaragua, published in La Gaceta, Diario Oficial, No. 137 of July 23, 1998.</p> <p>Decree No. 63-99: Regulation of Law 260, "Organic Law of the Judiciary of the Republic of Nicaragua" and its amendments, published in La Gaceta, Diario Oficial, No. 104 of June 2, 1999.</p> <p>Decree No.132, Law for the Incorporation of Professionals in Nicaragua, published in La Gaceta, Diario Oficial, No. 47 of November 2, 1979.</p> <p>Law on Notaries, Annex to the Code of Civil Procedure of Nicaragua and its Consolidated Text, Law that gives greater utility to the institution of notaries, Published in La Gaceta, Diario Oficial, No. 197 of October 20, 2022.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>Public Notaries must be Nicaraguans of origin authorized by the Supreme Court of Justice to practice that profession.</p> <p>Central American nationals by birth can also be authorized to exercise as public notaries in the Republic after residing at least for five years in Nicaragua, provided that they are allowed to exercise as public notaries in their own countries, and that Nicaraguans are authorized to exercise as public notaries in their respective countries</p>

## Annex I Entry 30 – Custom Brokers

<b>Sector:</b>	Customs Brokers
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Most-Favored-Nation Treatment (Article 8.3) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	(Modification of the Central American Uniform Customs Code (CAUCA)), RESOLUTION No. 223-2008 (COMIECO-XLIX), approved on April 25, 2008, published in La Gaceta, Diario Oficial, No. 135 of July 16, 2008, RESOLUTION No. 223-2008 (COMIECO-XLIX), Ministerial Agreement No. 033-2008.  Resolution No. 224-2008 (COMIECO-XLIX), Regulation of the Central American Uniform Customs Code (RECAUCA), published in La Gaceta, Diario Oficial, No. 136, 137, 138, 139, 140, 141 and 142 of July 17, 18, 21, 22, 23, 24 and 25, 2008 respectively.  Law No. 265, Law that Establishes Self-clearance for Import, Export and other Regimes, published in La Gaceta, Diario Oficial, No. 219 of November 17, 1997 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 72 of April 21, 2022.
<b>Description:</b>	Cross-border trade in services  They can only be customs agents and obtain a license granted by the Ministry of Finance and Public Credit: a) Nicaraguan citizens who are in full exercise of their rights;  b) Central Americans with a bachelor's degree in customs matters or other study disciplines as long as they prove at least 2 years of experience in customs matters; either  c) Foreigners from a country that allows Nicaraguans to act as customs agents.  A company operating as a customs broker in Nicaragua must be organized under Nicaraguan law and at least one officer of the customs company must have a valid license.

## Annex I Entry 31 – Scientific Research Services

<b>Sector:</b>	Scientific Research Services
<b>Obligations Concerned:</b>	National Treatment (Article 8.2) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 316, General Law on the Exploitation of Our Natural Resources, published in La Gaceta, Diario Oficial, No. 83 of April 17, 1958.
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>Non-resident foreign nationals or their agents, although they are residents in Nicaragua, wishing to carry out an investigation, will need a recognition permit.</p> <p>The recognition permit only authorizes to carry out preliminary investigations for the knowledge of the existence of natural wealth, they may not carry out works or acts for which only the holder of an exploitation license or an exploration or exploitation concession is authorized.</p> <p>All concessioner or foreign license holder has the obligation to maintain a representative in Nicaragua with sufficient authority at all times.</p>

## Annex I Entry 32 – Real Estate Services

<b>Sector:</b>	Real Estate Services
<b>Obligations Concerned:</b>	Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 1129, Nicaraguan Real Estate Brokerage Law, published in La Gaceta, Diario Oficial, No. 169 of September 8, 2022.  Decree No. 21-2022, Regulation of Law No. 1129, Nicaraguan Real Estate Brokerage Law, published in La Gaceta, Diario Oficial, N° 212 of November 11, 2022.
<b>Description:</b>	Cross-Border Trade in Services  The natural persons who apply for a real estate broker's license must be Nicaraguan citizens or foreigners with a legal permanent resident card in Nicaragua and with permission to work.  The Real Estate Brokerage Companies will exercise through their legal representative the activities of Real Estate Brokerage and will accredit their real estate agents, in accordance with the laws of the country.

## **Annex I Entry 33 – Potable Water, Sanitary Sewer Systems, and Sewage Collection and Disposal**

<b>Sector:</b>	Potable Water, Sanitary Sewer Systems, and Sewage Collection and Disposal.
<b>Obligations Concerned:</b>	Market Access (Article 8.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 620, General National Water Law, published in La Gaceta, Diario Oficial, No. 169 of September 4, 2007.  Law No. 276, Law for the Creation of the Nicaraguan Enterprise of Aqueduct and Sewage (ENACAL), published in La Gaceta, Diario Oficial, No. 12 of January 20, 1998 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 197 of October 20, 2022.
<b>Description:</b>	<p>Cross-border Trade in Services</p> <p>The establishment, construction, and development of public works for the supply and distribution of drinking water, and collecting and disposing of wastewater, may only be performed by the Nicaraguan Enterprise of Aqueducts and Sewage (<i>Empresa Nicaragüense de Acueductos y Alcantarillados Sanitarios - ENACAL</i>).</p> <p>ENACAL is the State entity responsible for providing potable water and collecting and disposing of wastewater, and has the following functions:</p> <ol style="list-style-type: none"><li>a) to catch, treat, conduct, store, distribute, and sell potable water; and to gather, treat and finally dispose of liquid waste;</li><li>b) to purchase natural water, purchase and sell potable water, as well as to commercialize the services of collection, treatment and final disposal of wastewater;</li><li>c) to take all necessary measures so that the release of treated wastewater minimizes the environmental impact;</li><li>d) to develop the Company's Expansion Plan for the short, medium and long terms;</li><li>e) to research, explore, develop, and exploit the water resources; and</li><li>f) to carry out any other activity required for its development.</li></ol>

## Annex I Entry 34 – Airports

<b>Sector:</b>	Airports
<b>Obligations Concerned:</b>	Market Access (Article 8.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Decree Law No. 1292, Law of the International Airports Administration Company, published in La Gaceta, Diario Oficial, No. 186 of August 16, 1983 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 17 of January 26, 2021.
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>The establishment, operation, administration, execution of works and provision of services in international airports correspond to the International Airport Administration Company (<i>Empresa Administradora de Aeropuertos Internacionales - EAAI</i>).</p> <p>The administration of state and private airports or aerodromes for international operations will be managed solely by the EAAI Airport Administration Company.</p>

## **Annex I Entry 35 – Energy - Transmission**

<b>Sector:</b>	Energy - Transmission
<b>Obligations Concerned:</b>	Market Access (Article 8.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No.272, Law of the Electricity Industry, published in La Gaceta, Diario Oficial, No.74 of April 23, 1998, Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021; and amendments thereto.</p> <p>Decree No. 42-98, Regulation of the Electricity Industry Law, published in La Gaceta, Diario Oficial, No. 176 of September 17, 2012, text consolidated in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021; and amendments derived therefrom.</p> <p>Law No. 583, Law Creating the National Electric Transmission Company, ENATREL, published in La Gaceta, Diario Oficial, No. 4 of January 5, 2007 and its Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021; and derived therefrom.</p> <p>Law No. 1056, Law of Sovereign Assurance and Guarantee of Electricity Supply to the Nicaraguan Population, published in La Gaceta, Diario Oficial, No. 237 of December 22, 2020.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>Only the National Electricity Transmission Company (<i>Empresa Nacional de Transmisión Eléctrica, ENATREL</i>), a decentralized public company of the State, can supply the Public Electric Power Transmission Service. Private companies can develop secondary transmission lines in accordance with the agreements or contracts signed with ENATREL.</p>

## Annex I Entry 36 – Postal Services

<b>Sector:</b>	Postal Services
<b>Obligations Concerned:</b>	Market Access (Article 8.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 758, General Law of Posts and Postal Services of Nicaragua, published in La Gaceta, Diario Oficial, No. 96 and 97 of May 26, 2011 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.  Executive Decree No. 56-2011, General Regulations to Law N° 758 <i>General Law of Posts and Postal Services of Nicaragua</i> , published in La Gaceta, Diario Oficial, No. 210 of November 7, 2011 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.
<b>Description:</b>	Cross-Border Trade in Services  Basic postal services, mandatory supplementary postal service, express mail or express delivery courier service, postal telecommunications service, and other public services specific to the business and institutional line of business, require a concession issued by the Nicaraguan Institute of Telecommunications and Postal Services ( <i>Instituto Nicaraguense de Telecomunicaciones y Correos - TELCOR</i> ) to provide the service and may be obtained by natural or legal persons, once the established requirements are met, for a duration often (10) years.



## Annex I Entry 37 – Telecommunications

<b>Sector:</b>	Telecommunications
<b>Obligations Concerned:</b>	Market Access (Article 8.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Political Constitution of the Republic of Nicaragua with its Incorporated amendments, published in La Gaceta, Diario Oficial, No. 32 of February 18, 2014 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 181 of September 28, 2022.</p> <p>Law No. 200, General Law on Telecommunications and Postal Services, published in La Gaceta, Diario Oficial No. 154 of August 18, 1995 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>The granting of concessions, licenses, permits or registrations for the provision of telecommunications services that require the use of the radioelectric spectrum, will be subject to the availability of the spectrum and the policies regarding its use.</p> <p>Maritime and aeronautical telecommunications services will be authorized, installed, operated and controlled by the National Army and the Nicaraguan Institute of Civil Aeronautics.</p> <p>The representation of the State before international telecommunications organizations corresponds to the Nicaraguan Institute of Telecommunications and Posts (<i>Instituto Nicaraguense de Telecomunicaciones y Correo - TELCOR</i>).</p> <p>For national security purposes: a) In no case is the establishment of systems that alter or affect national communication systems allowed. b) The communication points for national defense fines in the national territory must be owned by the State. c) The radioelectric and satellite spectrum is property of the Nicaraguan State and must be regulated by the regulatory body, the law will regulate the matter.</p>

## Annex I Entry 38 – Electricity Generation

<b>Sector:</b>	Electricity Generation
<b>Obligations Concerned:</b>	Market Access (Article 8.4) Local Presence (Article 8.5)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Law No. 272, Electric Industry Law, published in La Gaceta, Diario Oficial, No. 74 of April 23, 1998 and its Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021; and its amendments.</p> <p>Decree No. 42-98, Regulation of the Electric Industry Law, published in La Gaceta, Diario Oficial, No. 176 of September 17, 2012 and its Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021; and derived therefrom.</p> <p>Law No. 554 Energy Stability Law, published in La Gaceta, Diario Oficial No. 175 of September 13, 2012 and its Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021; and its amendments.</p> <p>Law No. 532, Law for the Promotion of Electricity Generation with Renewable Sources, published in La Gaceta, Diario Oficial, No. 102 of May 27, 2005 and its Consolidated Text in Law No. 1045, Law of the Nicaraguan Legal Digest of the Energy and Mining Sector, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021; and its amendments.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>To participate in the generation of electrical energy, a company must be organized under the laws of Nicaragua.</p> <p>Economic agents, subsidiaries or shareholders engaged in activities of generation of electrical power cannot be owners or partners of the facilities that serve for the transmission and/or distribution of electrical power, except the Nicaraguan Electricity Company (<i>Empresa Nicaraguense de Electricidad - ENEL</i>), which may exercise these activities only in non-concessioned areas.</p> <p>Generators may be owners of power lines or transmission equipment, needed to connect their plants to the National Interconnected System (<i>Sistema Interconectado Nacional, SIN</i>), which will be considered its secondary transmission system.</p> <p>New contracts of power generation from renewable sources should be in accordance with the prices specified for each type of generation.</p>

## Annex I Entry 39 – Natural Resources

<b>Sector:</b>	Natural Resources
<b>Obligations Concerned:</b>	Market Access (Article 8.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Political Constitution of the Republic of Nicaragua with its Incorporated amendments, published in Gaceta, Diario Oficial No. 32 of February 18, 2014 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 181 of September 28, 2022.</p> <p>Law No. 217, General Law on the Environment and Natural Resources, published in La Gaceta, Diario Oficial, No. 105 of June 6, 1996 and its Consolidated Text. General Law of the Environment and Natural Resources, published in La Gaceta, Diario Oficial, No. 197 of October 20, 2022.</p> <p>Law No. 316, General Law on the Exploitation of Our Natural Resources, published in La Gaceta, Diario Oficial, No. 83 of April 17, 1958.</p> <p>Law No. 620, General Law of National Waters, published in La Gaceta, Diario Oficial, No. 169 of September 4, 2007.</p> <p>Law No. 749, Law on the Legal Regime of Borders, published in La Gaceta, Diario Oficial, No. 244 of December 22, 2010 and its Consolidated Text, Law on the Legal Regime of Borders, Published in La Gaceta, Diario Oficial, No. 98 of June 1, 2020.</p> <p>Law No. 462, Law for the Conservation, Promotion and Sustainable Development of the Forestry Sector, published in La Gaceta, Diario Oficial, No. 168 of September 4, 2003.</p> <p>Law No. 286, Special Law on Exploration and Exploitation of Hydrocarbons, published in La Gaceta, Diario Oficial, No. 109, of June 12, 1998 and its Consolidated Text, Special Law on Exploration and Exploitation of Hydrocarbons, published in La Gaceta, Diario Oficial, No. 130 of July 14, 2021.</p> <p>Law No. 387, Special Law on Exploration and Exploitation of Mines, published in La Gaceta, Diario Oficial, No. 151 of August 13, 2001, and its Regulations, Decree N°119-2001 and its Consolidated Text, in Law 1045 Law of the Nicaraguan Legal Digest of the Energy and Mining Sector published in La Gaceta, Diario Oficial, N°130 of July 14, 2021.</p> <p>Law No. 443, Law of Exploration and Exploitation of Geothermal Resources, published in La Gaceta, Diario Oficial, No. 218 on November 17, 2014 and its Consolidated Text, in Law 1045 Law of the Nicaraguan Legal</p>

Digest of the Energy and Mining Sector published in La Gaceta, Diario Oficial, N°130 of July 14, 2021.

Law No. 532, Law for the Promotion of Electricity Generation with Renewable Sources, published in La Gaceta, Diario Oficial, No. 102 of May 27, 2005 and its consolidated text, in Law 1045 Law of the Nicaraguan Legal Digest of the Energy and Mining Sector published in La Gaceta, Diario Oficial, N°130 of July 14, 2021.

Law No. 953, Law Creating the Nicaraguan Mining Company (ENIMINAS), published in La Gaceta, Diario Oficial, No. 127 of July 6, 2017.

Law No. 1016, Law Creating the National Hydrocarbon Exploration and Exploitation Company (ENIH), published in La Gaceta, Diario Oficial, No. 30 of February 14, 2020.

**Description:**

Cross-Border Trade in Services

Natural resources are national heritage. The preservation of the environment and the conservation, development and rational exploitation of natural resources correspond to the State; it may enter into contracts for the rational exploitation of these resources, when the national interest so requires.

The domain, use and exploitation of the natural resources described in the law will be regulated by express law.

The exploration, exploitation and benefit of liquid or gaseous hydrocarbons, deposits of any type existing in maritime waters subject to national jurisdiction and those located totally or partially in determined areas of importance for national security with mining effects, whose qualification will be made by law, they may be subject to administrative concessions or special operating contracts, with the requirements and under the conditions established by the laws of the matter, for each case.

The mineral resources existing in the soil and in the subsoil of the national territory belong to the State, which exercises absolute, inalienable and imprescriptible control over them. The State guarantees equal rights and obligations for national and foreign investors.

Geothermal resources are national heritage.

## Annex I Entry 40 – Elaboration of Maps and Technical Scientific Studies

<b>Sector:</b>	Elaboration of Maps and Technical Scientific Studies
<b>Obligations Concerned:</b>	Market Access (Article 8.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Political Constitution of the Republic of Nicaragua with its Incorporated amendments, published in Gazette No. 32 of February 18, 2014 and its Consolidated Text, Political Constitution of the Republic of Nicaragua, approved on October 27, 2021, published in La Gaceta, Diario Oficial, No. 181 of September 28, 2022.</p> <p>Law No. 311 Organic Law of the Nicaraguan Institute of Territorial Studies (INETER), published in La Gaceta, Diario Oficial, No. 143, of July 28, 1999 and its Regulations to Law No. 311, Organic Law of the Nicaraguan Institute of Territorial Studies (INETER) Executive Decree No. 120-99, published in La Gaceta, Diario Oficial, No. 229, of November 30, 1999, and its amendments.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>The Nicaraguan Institute of Territorial Studies (<i>Instituto Nicaraguense de Estudios Territoriales - INETER</i>) is responsible for developing, updating, editing and publishing official, cadastral, urban and rural maps, as well as thematic maps and hydrographic, nautical and aeronautical charts of the country at different scales.</p>

## **Annex I Entry 41 – Lottery**

<b>Sector:</b>	Lottery
<b>Obligations Concerned:</b>	Market Access (Article 8.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p>Decree No. 2-95 Creation of the National Lottery, published in La Gaceta, Diario Oficial, No. 34 of February 17, 1995, as amended.</p> <p>Decree No.06-2001, Provisions on the National Lottery, published in La Gaceta, Diario Oficial, No.28 of February 8, 2001, with its amendments and its Operating Regulations, published on March 23, 2004 in La Gaceta, Diario Oficial, No. 58.</p>
<b>Description:</b>	<p>Cross-Border Trade in Services</p> <p>Only the State can operate lotteries and games of chance directly and for charitable purposes.</p> <p>Only the National Lottery, a State-owned company, can carry out lottery administration and distribution activities.</p>

## Annex I Entry 42 - Ports

**Sector:** Ports

**Obligations Concerned:** Market Access (Article 8.4)

**Level of Government:** Central

**Measures:** Law No. 838, General Law of Ports of Nicaragua, published in La Gaceta, Diario Oficial, No. 92 of May 21, 2013 and its Consolidated Text, General Law of Ports of Nicaragua, Law No. 838, approved on September 2, 2020, published in La Gaceta, Diario, Oficial, No. 17 of January 26, 2021.

**Description:** Cross-Border Trade in Services

The administration and operation of the ports of national interest is reserved to the National Port Company (*Empresa Portuaria Nacional - EPN*).

The EPN is the Administering Authority of the state national port system, which includes all public ports. It is the administrative entity of the state-owned ports and the contracts of the ports granted by the State of Nicaragua according to the procedure of Law 838, in which are carryout activities of international transport of goods or passengers, as well as in those of local interest under its administration and control; and in those that can develop or promote in the future.

The President of the Republic, through the EPN and for reasons of strategic interest, may grant concessions or association, construction and operation of new ports for public use prior technical approval of the DGTA to public or private legal entities, nationals or foreign, after consultation and approval, where appropriate, with municipalities and regional councils on the Caribbean Coast, where the port is positioned.

The concessions and contracts for the exploitation and port development that grants the State in the Autonomous Regions of the Caribbean Coast shall be processed in accordance with the provisions of the Political Constitution of the Republic of Nicaragua and the relevant laws of the matter.

When the investment is to develop in the territory of the Autonomous Regions, the legal instrument to be signed between the National Port Company and the investor must count with the approval of the Regional Council as established in the Political Constitution of the Republic of Nicaragua.

The concession contracts or lease shall be governed exclusively by the laws of the Republic of Nicaragua. The disputes that may arise by reason of the interpretation or application of the contract shall be subject to:

- 1) Amicable settlement between the parties;
- 2) Mediation before the address of alternate resolution of conflict in the Supreme Court of Justice; or
- 3) Arbitration, in accordance with the laws of the Republic of Nicaragua.

### Annex I Entry 43 – Postal Services

<b>Sector:</b>	Postal Services
<b>Obligations Concerned:</b>	Market Access (Article 8.4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 758, General Law of Posts and Postal Services of Nicaragua, published in La Gaceta, Diario Oficial, No. 96 and 97 of May 26, 2011 and its Consolidated Text, published in La Gaceta, Diario Oficial, No. 242 of December 18, 2019.
<b>Description:</b>	Cross-Border Trade in Services  The issuance, financing and commercialization of postage stamps, as well as the use of franking machines and other analogous systems, is reserved to the Nicaragua Post Company ( <i>Empresade Correos de Nicaragua</i> ).