

**DRAFT**  
**Subject to Legal Review for Accuracy, Clarity, and Consistency**  
**April 9, 2004**

Still Pending Final review  
Confidential Document  
Closed Dominican Reservations  
4/9/2004

**Annex II**

**Dominican Republic's List**

This list indicates the reservations taken by the Dominican Republic in regard to sectors, sub-sectors or specific activities for which it may maintain or adopt new or more restrictive measures that are inconsistent with the obligations derived from the articles that in the consolidated text deal with national treatment, most favoured nation treatment, market access and local presence, senior management and board of directors, and performance requisites.

For greater certainty, reservations to market access (Art. 11.4) refer to non-discriminating measures.

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**Sector:** All Sectors (OK March 12)

**Obligations Concerned:** National Treatment (Article. 10.3)

**Description:** Investment

The Dominican Republic reserves the right to adopt or maintain any measure relating to the ownership or control of land within the 20 kilometers of the Dominican border.

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**Sector:** All Sectors (OK March 12)

**Obligations Concerned:** National treatment (Article 10.3)  
Senior Management and Boards of Directors (Article 10.6)

**Description:** Investment

In the transfer or disposal of any interest in stock or asset held in an existing state enterprise<sup>1</sup> or governmental entity, the Dominican Republic reserves the right to prohibit or impose limitations on the ownership of said interest or asset. However, the preceding sentence pertains only to the initial transfer or disposal of such stock or asset. There are no restrictions on subsequent transfers or disposals of such stock or asset.

The Dominican Republic reserves the right to impose limitations on the right of foreign investors or their investments to control any State enterprise created by the transfer or disposal of any stock or asset as described in the preceding paragraph or investments made by such state enterprise. In connection with any such transfer or disposal, the Dominican Republic may adopt or maintain any measure related to the nationality of senior management and members of the Board of Directors.

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<sup>1</sup> A State enterprise means an enterprise that is owned or controlled through ownership interests by a Party, as defined in Article 2.XX [General Definitions]

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**Sector:** All Sectors

**Obligations Concerned:** Most-Favoured-Nation Treatment (Articles 10.4, 11.3)

**Description:** Cross-Border Services and Investment

The Dominican Republic reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

The Dominican Republic reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Agreement involving:

- a) aviation;
- b) fishing;
- c) maritime affairs, including salvage; or
- d) [telecommunications]

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**Sector:** Communications (OK March 12)

**Obligations Concerned:** Most-Favoured-Nation Treatment (Articles 10.4 and 11.3)

**Description:** Cross-Border Services and Investment

The Dominican Republic reserves the right to adopt or maintain any measure that accords differential treatment to persons of other countries due to application of reciprocity measures or through international agreements involving sharing of the radio spectrum, guaranteeing market access, or national treatment with respect to the one-way satellite transmission of direct-to-home and direct broadcasting satellite television services and digital audio services.

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**Sector:** Governmental Finances (OK March 12)

**Obligations Concerned:** National Treatment (Article 10.3)

**Description:** Investment

The Dominican Republic reserves the right to adopt or maintain any measure relating to the restriction of the acquisition by foreign nationals of bonds, treasury securities, fixed-term instruments or other instruments of public debt issued for particular sectors by the Central Bank or the Government of the Dominican Republic. This non-conforming measure is not intended to affect the rights of U.S. financial institutions (banks) established in the Dominican Republic, to acquire, sell or dispose of such instruments when required for purposes of regulatory capital.

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**Sector** Services related to craft industry (OK March 12)

**Obligations Concerned:** National Treatment (Article 11.2)  
Market Access (Article 11.4)

**Description:** Cross-Border Services

The Dominican Republic reserves the right to adopt or maintain any measure relating to the distribution, retailing, or exhibition of handicrafts that are identified as handicrafts of the Dominican Republic.



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**Sector:** Social Services (OK March 12)

**Obligations Concerned:** National Treatment (Articles 10.3, 11.2)  
Most-Favoured-Nation Treatment (Articles 10.4, 11.3)  
Local Presence (Article 11.5)  
Performance Requirements (Art. 10.9)  
Senior Management and Boards of Directors (Article 10.10)

**Description:** Cross-Border Services and Investment

The Dominican Republic reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, and child care.

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**Sector:** Minority Affairs (OK March 12)

**Obligations Concerned:** National Treatment (Articles 10.3 and 11.2)  
Local presence (Article 11.5)  
Performance Requirement (10.9)  
Senior Management and Boards of Directors (10.10)

**Description:** Cross-Border Services and Investment

The Dominican Republic reserves the right to adopt and maintain any measure according rights or preferences to socially or economically disadvantaged minorities.