

## Annex I

### Explanatory Notes

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

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

2. Each Schedule entry sets out the following elements:

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

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

**Annex I  
Schedule of Rwanda**

<b>Sector:</b>	All
<b>Obligations Concerned:</b>	National Treatment (Article 3) Most-Favored-Nation Treatment (Article 4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 26/2005 of 17/12/2005 relating to investment and export promotion and facilitation, Articles 2(5) and 2(11)
<b>Description:</b>	For purposes of investment registration under Law No. 26/2005 of 17/12/2005, a “local investor” as defined in Article 2(11) (which may include certain investors of Rwanda and COMESA Member States) is required to invest a minimum capital of USD 100,000, whereas a “foreign investor” as defined in Article 2(5) is required to invest a minimum capital of USD 250,000.

<b>Sector:</b>	All
<b>Obligations Concerned:</b>	National Treatment (Article 3)
<b>Level of Government:</b>	Central
<b>Measures:</b>	Law No. 20/2000 of 26/07/2000 relating to non-profit organizations
<b>Description:</b>	Non-profit-making organizations registered outside Rwanda are subject to differential registration and approval requirements and procedures pursuant to Articles 32-36, Law No. 20/2000. Non-profit-making organizations registered outside Rwanda are also granted permits that shall not exceed a renewable five-year term (Article 37, Law No. 20/2000), while non-profit-making organizations registered in Rwanda are constituted for an indefinite duration (Article 6, Law No. 20/2000).

**Annex I**  
**Schedule of the United States**

**Sector:** Atomic Energy

**Obligations Concerned:** National Treatment (Article 3)

**Level of Government:** Central

**Measures:** *Atomic Energy Act of 1954*, 42 U.S.C. §§ 2011 et seq.

**Description:** A license issued by the United States Nuclear Regulatory Commission is required for any person in the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, use, import, or export any nuclear "utilization or production facilities" for commercial or industrial purposes. Such a license may not be issued to any entity known or believed to be owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government (42 U.S.C. § 2133(d)). A license issued by the United States Nuclear Regulatory Commission is also required for nuclear "utilization and production facilities," for use in medical therapy, or for research and development activities. The issuance of such a license to any entity known or believed to be owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government is also prohibited (42 U.S.C. § 2134(d)).

<b>Sector:</b>	Mining
<b>Obligations Concerned:</b>	National Treatment (Article 3) Most-Favored-Nation Treatment (Article 4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Mineral Lands Leasing Act of 1920</i> , 30 U.S.C. Chapter 3A  10 U.S.C. § 7435
<b>Description:</b>	<p>Under the Mineral Lands Leasing Act of 1920, aliens and foreign corporations may not acquire rights-of-way for oil or gas pipelines, or pipelines carrying products refined from oil and gas, across on-shore federal lands or acquire leases or interests in certain minerals on on-shore federal lands, such as coal or oil. Non-U.S. citizens may own a 100 percent interest in a domestic corporation that acquires a right-of-way for oil or gas pipelines across on-shore federal lands, or that acquires a lease to develop mineral resources on on-shore federal lands, unless the foreign investor's home country denies similar or like privileges for the mineral or access in question to U.S. citizens or corporations, as compared with the privileges it accords to its own citizens or corporations or to the citizens or corporations of other countries (30 U.S.C. §§ 181, 185(a)).</p> <p>Nationalization is not considered to be denial of similar or like privileges.</p> <p>Foreign citizens, or corporations controlled by them, are restricted from obtaining access to federal leases on Naval Petroleum Reserves if the laws, customs, or regulations of their country deny the privilege of leasing public lands to citizens or corporations of the United States (10 U.S.C. § 7435).</p>

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	National Treatment (Article 3) Most-Favored-Nation Treatment (Article 4)
<b>Level of Government:</b>	Central
<b>Measures:</b>	22 U.S.C. §§ 2194 and 2198(c)
<b>Description:</b>	The Overseas Private Investment Corporation (OPIC) insurance and loan guarantees are not available to certain aliens, foreign enterprises, or foreign-controlled domestic enterprises.

**Sector:** Air Transportation

**Obligations Concerned:** National Treatment (Article 3)  
Most-Favored-Nation Treatment (Article 4)  
Senior Management and Boards of Directors (Article 9)

**Level of Government:** Central

**Measures:** 49 U.S.C. Subtitle VII, *Aviation Programs*  
  
14 C.F.R. Part 297 (foreign freight forwarders); 14 C.F.R. Part 380, Subpart E (registration of foreign (passenger) charter operators)

**Description:** Only air carriers that are “citizens of the United States” may operate aircraft in domestic air service (cabotage) and may provide international scheduled and non-scheduled air service as U.S. air carriers.

U.S. citizens also have blanket authority to engage in indirect air transportation activities (air freight forwarding and passenger charter activities other than as actual operators of the aircraft). In order to conduct such activities, non-U.S. citizens must obtain authority from the Department of Transportation. Applications for such authority may be rejected for reasons relating to the failure of effective reciprocity, or if the Department of Transportation finds that it is in the public interest to do so.

Under 49 U.S.C. § 40102(a)(15), a citizen of the United States means an individual who is a U.S. citizen; a partnership in which each member is a U.S. citizen; or a U.S. corporation of which the president and at least two-thirds of the board of directors and other managing officers are U.S. citizens, which is under the actual control of U.S. citizens, and in which at least seventy-five percent of the voting interest in the corporation is owned or controlled by U.S. citizens.

**Sector:** Air Transportation

**Obligations Concerned:** National Treatment (Article 3)  
Most-Favored-Nation Treatment (Article 4)  
Senior Management and Boards of Directors (Article 9)

**Level of Government:** Central

**Measures:** 49 U.S.C., Subtitle VII, *Aviation Programs*  
49 U.S.C. § 41703  
14 C.F.R. Part 375

**Description:** “Foreign civil aircraft” require authority from the Department of Transportation to conduct specialty air services in the territory of the United States. In determining whether to grant a particular application, the Department will consider, among other factors, the extent to which the country of the applicant’s nationality accords U.S. civil aircraft operators effective reciprocity.

“Foreign civil aircraft” are aircraft of foreign registry or aircraft of U.S. registry that are owned, controlled, or operated by persons who are not citizens or permanent residents of the United States (14 C.F.R. § 375.1). Under 49 U.S.C. § 40102(a)(15), a citizen of the United States means an individual who is a U.S. citizen; a partnership in which each member is a U.S. citizen; or a U.S. corporation of which the president and at least two-thirds of the board of directors and other managing officers are U.S. citizens, which is under the actual control of U.S. citizens, and in which at least seventy-five percent of the voting interest in the corporation is owned or controlled by U.S. citizens.



**Sector:** Transportation Services – Customs Brokers

**Obligations Concerned:** National Treatment (Article 3)

**Level of Government:** Central

**Measures:** 19 U.S.C. § 1641(b)

**Description:** A customs broker's license is required to conduct customs business on behalf of another person. Only U.S. citizens may obtain such a license. A corporation, association, or partnership established under the law of any state may receive a customs broker's license if at least one officer of the corporation or association, or one member of the partnership, holds a valid customs broker's license.

**Sector:** All Sectors

**Obligations Concerned:** National Treatment (Article 3)  
Most-Favored-Nation Treatment (Article 4)

**Level of Government:** Central

**Measures:** *Securities Act of 1933*, 15 U.S.C. §§ 77c(b), 77f, 77g, 77h, 77j, and 77s(a)  
17 C.F.R. §§ 230.251 and 230.405  
*Securities Exchange Act of 1934*, 15 U.S.C. §§ 78l, 78m, 78o(d), and 78w(a)  
17 C.F.R. § 240.12b-2

**Description:** Foreign firms, except for certain Canadian issuers, may not use the small business registration forms under the Securities Act of 1933 to register public offerings of securities or the small business registration forms under the Securities Exchange Act of 1934 to register a class of securities or file annual reports.

**Sector:** Communications – Radiocommunications

**Obligations Concerned:** National Treatment (Article 3)

**Level of Government:** Central

**Measures:** 47 U.S.C. § 310

Foreign Participation Order 12 FCC Red 23891 (1997)

**Description:** The United States reserves the right to restrict ownership of radio licenses in accordance with the above statutory and regulatory provisions. Radiocommunications consists of all communications by radio, including broadcasting.

**Sector:** All Sectors

**Obligations Concerned:** National Treatment (Article 3)  
Most-Favored-Nation Treatment (Article 4)  
Performance Requirements (Article 8)  
Senior Management and Boards of Directors (Article 9)

**Level of Government:** Regional

**Measures:** All existing non-conforming measures of all states of the United States, the District of Columbia, and Puerto Rico.