

FREE TRADE AGREEMENT  
REPUBLIC OF NICARAGUA AND REPUBLIC OF CHINA (TAIWAN)

Annex II

Schedule of the Republic of China (Taiwan)

<b>Sector:</b>	Issues related to native populations
<b>Obligations Concerned:</b>	National Treatment (Articles 10.03, Investment and 11.02, Services) Most-Favored-Nation Treatment (Articles 10.04 and 11.03) Local Presence (Article 11.06, Services) Performance Requirements (Article 10.09, Investment) Senior Management and Boards of Directors (Article 10.10, Investment)
<b>Description:</b>	<u>Cross-Border Services and Investment</u> The Republic of China (Taiwan) reserves the right to adopt or maintain any measure denying to foreign investors and their investments or to foreign service suppliers any rights or preferences granted to native populations.

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Schedule of the Republic of China (Taiwan)

**Sector:** Issues related to minorities

**Obligations Concerned:** National Treatment (Articles 10.03, Investment and 11.02, Services)

Most-Favored-Nation Treatment (Articles 10.04, Investment and 11.03, Services)

Local Presence (Article 11.06, Services)

Performance Requirements (Article 10.09, Investment)

Senior Management and Boards of Directors (Article 10.10, Investment)

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

The Republic of China (Taiwan) reserves the right to adopt or maintain any measure with respect to the rights or preferences granted to minorities with social or economical disadvantages.

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<b>Sector:</b>	Business services - Legal services
<b>Obligations Concerned:</b>	National Treatment (Articles 10.03, Investment and 11.02, Services) Senior Management and Boards of Directors (Article 10.10, Investment) Local Presence (Article 11.06, Services)
<b>Description:</b>	<u>Cross-Border Services and Investment</u> The Republic of China (Taiwan) reserves the right to adopt or maintain any measures relating to investment in, or provision of legal services, except investment in or services provided by attorney of foreign legal affairs (AFLA) and foreign legal assistants or consultants according to the following terms: <ol style="list-style-type: none"><li>1. Scope of the services:<ol style="list-style-type: none"><li>(1) Legal services provided by AFLA:<ul style="list-style-type: none"><li>- AFLA practicing the law of his/her home jurisdiction(s) or international law independently.</li><li>- AFLA cooperating with the licensed lawyer in the Republic of China (Taiwan) or acquiring the latter's written opinions in the matters concerning marriage, parental or inheritance cases in which the Republic of China (Taiwan) national is a party or the estates is located in the Republic of China (Taiwan).</li></ul></li><li>(2) Foreign legal assistant or consultant: assisting the Republic of China (Taiwan) lawyers or AFLAs but not conducting litigation or providing other legal services under the assistant/consultant's own name.</li></ol></li><li>2. The following qualifications are required for the recognition of AFLA by the Republic of China (Taiwan):<ol style="list-style-type: none"><li>(1) the service provider is qualified as a lawyer in his/her home jurisdiction(s), and</li><li>(2) the service provider has practiced as a qualified lawyer for at least 5 years in his/her home jurisdiction(s). However, should a foreign lawyer be employed by a lawyer of the Republic of China (Taiwan) as an assistant or consultant or</li></ol></li></ol>

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have practiced his/her home jurisdiction laws elsewhere, the term, up to a maximum of two years of employment or practice may be accredited to the said five year term.

(3) any foreign lawyer who is already employed by a Republic of China (Taiwan) lawyer by 1 January 2002 in accordance with the Regulation Concerning Republic of China (Taiwan)'s Lawyers' Employment of Foreigners and Administration Thereof, may apply to become an AFLA after the completion of the two years' employment period.

3. The Republic of China (Taiwan) allows AFLAs to establish partnership with or employ licensed lawyer of the Republic of China (Taiwan).

4. Foreigners who are college graduates majoring in law-related subjects or have law-related working experience for at least two years, or who have passed the lawyer's examination in any foreign country and may be employed by the Republic of China (Taiwan) lawyers or AFLAs to work as assistants or consultants.

5. Registration shall be made with the Bar Association in the locality in the Republic of China (Taiwan) where the law office is located after the person is recognized by the Republic of China (Taiwan) as AFLA.

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<b>Sector:</b>	Communication services - Audiovisual services - Television broadcast transmission services and Radio broadcast transmission services
<b>Obligations Concerned:</b>	National Treatment (Articles 10.03, Investment and 11.02, Services) Most-Favored-Nation Treatment (Articles 10.04, Investment and 11.03, Services) Local Presence (Article 11.06, Services) Performance Requirements (Article 10.09, Investment) Senior Management and Boards of Directors (Article 10.10, Investment)
<b>Description:</b>	<u>Cross-Border Services and Investment</u> The Republic of China (Taiwan) reserves the right to adopt or maintain any measure relating to investment in, or the provision of, television and radio broadcast transmission services.

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**Sector:** Games of luck and chance

**Obligations Concerned:** Market Access (Article 11.05, Services)

**Description:** Cross-Border Services

The operation of games of luck and chance, and of activities that originate bets could only be conducted by the state.

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Schedule of the Republic of China (Taiwan)

**Sector:** All Sectors

**Obligations Concerned:** Most-Favored-Nation Treatment (Article 10.04, Investment and 11.03, Services)

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

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

The Republic of China (Taiwan) reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreements in force or signed after the date of entry into force of this Agreement involving:

- a) aviation;
- b) fisheries; or
- c) maritime affairs, including salvage.

For greater certainty, Article 10.04 and 11.03 are not applied to any present or future program of international cooperation to promote economic development.

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**Sector:** Private Security Services

**Obligations Concerned:** National Treatment (Article 10.03, Investment and Article 11.02, Services)

Local Presence (Article 11.06, Services)

**Description:** Cross-Border Services

An enterprise must be incorporated in the Republic of China (Taiwan) to operate a private security guard company. Natural persons serving as armed guards must be the Republic of China (Taiwan) nationals who reside in Republic of China (Taiwan).

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**Sector:** Social Services

**Obligations Concerned:** National Treatment (Articles 10.03, Investment and 11.02, Services)  
Most-Favored-Nation Treatment (Articles 10.04, Investment and 11.03, Services)  
Local Presence (Article 11.06, Services)  
Performance Requirements (Article 10.09, Investment)  
Senior Management and Boards of Directors (Article 10.10, Investment)

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

The Republic of China (Taiwan) 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:** Construction services

**Obligations Concerned:** National Treatment (Articles 10.03, Investment and Article 11.03, Service)  
Local Presence (Article 11.05, Services)

**Description:** Cross-Border Services

The Republic of China (Taiwan) reserves the right to maintain or adopt any measure related to the provision of rendering of cross-border services from the territory of a Party into the territory of the other Party in construction services.