

ANNEX II
SCHEDULE OF BAHRAIN

Sector:	Services Related to Fisheries
Obligations Concerned:	National Treatment (Article 10.2) Most-Favored-Nation Treatment (Article 10.3)
Description:	Bahrain reserves the right to specify rules and regulations relating to the operation and management of fisheries.

Sector:	All
Obligations Concerned:	Most-Favored-Nation Treatment (Article 10.3)
Description:	Bahrain 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. Bahrain 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 after the date of entry into force of this Agreement involving: (a) aviation; or (b) maritime matters, including salvage.

Sector: Social Services

Obligations Concerned: National Treatment (Article 10.2)
Most-Favored-Nation Treatment (Article 10.3)
Market Access (Article 10.4)
Local Presence (Article 10.5)

Description: Bahrain 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.

Sector:	Communications
Obligations Concerned:	Most-Favored-Nation Treatment (Article 10.3)
Description:	Bahrain 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 or direct-to-home (DTH) and direct broadcasting satellite (DBS) television services and digital audio services.

Sector: Certain Sectors

Obligations Concerned: Market Access (Article 10.4)

Description: During a two-year transition period beginning on the date of entry into force of this Agreement, Bahrain reserves the right to adopt or maintain any measure relating to the cross-border supply of services in the sectors identified below, provided that any such measure is consistent with Bahrain's obligations under the GATS:

- (a) real estate services relating to owned or leased property;
- (b) car rental services;
- (c) census, market research, and public opinion polling services;
- (d) debt collection services;
- (e) employment and temporary personnel services;
- (f) private security guard services; and
- (g) construction and construction related services.

During the transition period, on the request of either Party, the Parties shall consult to consider whether, after the transition period:

- (a) a measure relating to the cross-border supply of services in the sectors identified above should be listed as a non-conforming measure in Annex I;
- (b) a sector identified above should be listed in Annex II; or
- (c) a sector identified above should be deleted from Annex II.

The Parties shall endeavor to conclude consultations

under paragraph 2 within 60 days of receipt of a request by one Party from the other Party. In consultations under paragraph 2(a) or 2(b), Bahrain shall provide to the United States information on:

- (a) measures adopted relating to the sector at issue since the beginning of the transition period; and
- (b) a description of such measures that Bahrain would propose to be included in Annex I or Annex II.

If, as a result of consultations under paragraph 2, the Parties agree that Annex I or Annex II should be modified, then on approval by the Parties in accordance with Article 21.2 (Amendments), such Annex shall be modified.

Except as otherwise provided in paragraphs 2 through 4, Bahrain's reservation with respect to the sectors identified above shall terminate upon expiration of the transition period.

Sector:	Transport and Communication
Sub-Sector:	Postal Services Except Express Delivery Services
Industry Classification:	CPC 681
Obligations Concerned:	National Treatment (Article 10.2) Market Access (Article 10.4) Local Presence (Article 10.5)
Description:	Bahrain reserves the right to adopt or maintain measures with respect to the exclusive provision of postal services including conveying letters and postcards and the performance of all services incidental to receiving, collecting, dispatching, and delivering letters and postcards. For greater certainty, nothing in this non-conforming measure will apply to express delivery services as defined in paragraph 1 of Annex 10-A of Chapter Ten (Cross-Border Trade in Services).

ANNEX II FORMATTING NOTE

1. The Schedule of a Party to this Annex sets out, pursuant to Article 10.6 (Non-Conforming Measures), the specific sectors, subsectors, or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
 - (a) Article 10.2 (National Treatment);
 - (b) Article 10.3 (Most-Favored-Nation Treatment);
 - (c) Article 10.4 (Market Access); or
 - (d) Article 10.5 (Local Presence).
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 paragraph 2 of Article 10.6 (Non-Conforming Measures), do not apply to the sectors, subsectors, or activities scheduled in the entry;
 - (c) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry; and
 - (d) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sectors, subsectors, or activities covered by the entry.
3. In accordance with paragraph 2 of Article 10.6 (Non-Conforming Measures), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the sectors, subsectors, and activities identified in the **Description** element of that entry.

ANNEX II
SCHEDULE OF UNITED STATES

Sector:	Communications
Obligations Concerned:	Most-Favored-Nation Treatment (Article 10.3)
Description:	The United States 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 (DTH) and direct broadcasting satellite (DBS) television services and digital audio services.

Sector: Social Services

Obligations Concerned: National Treatment (Article 10.2)
Most-Favored-Nation Treatment (Article 10.3)
Local Presence (Article 10.5)

Description: The United States 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.

Sector:	Minority Affairs
Obligations Concerned:	National Treatment (Article 10.2) Local Presence (Article 10.3)
Description:	The United States reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities, including corporations organized under the laws of the State of Alaska in accordance with the <i>Alaska Native Claims Settlement Act</i> .
Existing Measures:	<i>Alaska Native Claims Settlement Act</i> , 43 U.S.C. §§ 1601 <u>et seq.</u>

Sector:	Transportation
Obligations Concerned:	National Treatment (Article 10.2) Most-Favored-Nation Treatment (Article 10.3) Local Presence (Article 10.5)
Description:	The United States reserves the right to adopt or maintain any measure relating to the provision of maritime transportation services and the operation of U.S.-flagged vessels, including the following: (a) requirements for investment in, ownership and control of, and operation of vessels and other marine structures, including drill rigs, in maritime cabotage services, including maritime cabotage services performed in the domestic offshore trades, the coastwise trades, U.S. territorial waters, waters above the continental shelf, and in the inland waterways; (b) requirements for investment in, ownership and control of, and operation of U.S.-flagged vessels in foreign trades; (c) requirements for investment in, ownership or control of, and operation of vessels engaged in fishing and related activities in U.S. territorial waters and the Exclusive Economic Zone; (d) requirements related to documenting a vessel under the U.S. flag; (e) promotional programs, including tax benefits, available for shipowners, operators, and vessels meeting certain requirements; (f) certification, licensing, and citizenship requirements for crew members on U.S.-flagged vessels; (g) manning requirements for U.S.-flagged vessels; (h) all matters under the jurisdiction of the Federal Maritime Commission; (i) negotiation and implementation of bilateral and other international maritime agreements and understandings;

- (j) limitations on longshore work performed by crew members;
- (k) tonnage duties and light money assessments for entering U.S. waters; and
- (l) certification, licensing, and citizenship requirements for pilots performing pilotage services in U.S. territorial waters.

The following activities are not included in this reservation. However, the treatment in (b) is conditional upon obtaining comparable market access in these sectors from Bahrain:

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

Existing Measures:

Merchant Marine Act of 1920, §§ 19 and 27, 46 App. U.S.C. § 876 and § 883 et seq.
Jones Act Waiver Statute, 64 Stat 1120, 46 U.S.C. App., note preceding Section 1
Shipping Act of 1916, 46 U.S.C. App. §§ 802 and 808
Merchant Marine Act of 1936, 46 U.S.C. App. §§ 1151 et seq., 1160-61, 1171 et seq., 1241(b), 1241-1, 1244, and 1271 et seq.
Merchant Ship Sales Act of 1946, 50 U.S.C. App. § 1738
 46 App. U.S.C. §§ 121, 292, and 316
 46 U.S.C. §§ 12101 et seq. and 31301 et seq.
 46 U.S.C. §§ 8904 and 31328(2)
Passenger Vessel Act, 46 App. U.S.C. § 289
 42 U.S.C. §§ 9601 et seq.; 33 U.S.C. §§ 2701 et seq.; 33 U.S.C. §§ 1251 et seq.
 46 U.S.C. §§ 3301 et seq., 3701 et seq., 8103, and 12107(b)
Shipping Act of 1984, 46 App. U.S.C. §§ 1708 and 1712
The Foreign Shipping Practices Act of 1988, 46 App. U.S.C. § 1710a

Merchant Marine Act, 1920, 46 App. U.S.C. §§ 861 et seq.
Shipping Act of 1984, 46 App. U.S.C. §§ 1701 et seq.
Alaska North Slope, 104 Pub. L. 58; 109 Stat. 557
 Longshore restrictions and reciprocity, 8 U.S.C. §§ 1101 et seq.
 Vessel escort provisions, Section 1119 of Pub. L. 106-554, as amended
Nicholson Act, 46 App. U.S.C. § 251
Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987, 46 U.S.C. § 2101 and 46 U.S.C. § 12108
 43 U.S.C. § 1841
 22 U.S.C. § 1980
Intercoastal Shipping Act, 46 U.S.C. App. § 843
 46 U.S.C. § 9302, 46 U.S.C. § 8502; Agreement Governing the Operation of Pilotage on the Great Lakes, Exchange of Notes at Ottawa, August 23, 1978, and March 29, 1979, TIAS 9445
Magnuson Fishery Conservation and Management Act, 16 U.S.C. §§ 1801 et seq.
 19 U.S.C. § 1466
North Pacific Anadromous Stocks Convention Act of 1972, P.L. 102-587; Oceans Act of 1992, Title VII
Tuna Convention Act, 16 U.S.C. §§ 951 et seq.
South Pacific Tuna Act of 1988, 16 U.S.C. §§ 973 et seq.
Northern Pacific Halibut Act of 1982, 16 U.S.C. §§ 773 et seq.
Atlantic Tunas Convention Act, 16 U.S.C. §§ 971 et seq.
Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. §§ 2431 et seq.
Pacific Salmon Treaty Act of 1985, 16 U.S.C. §§ 3631 et seq.
American Fisheries Act, 46 U.S.C. § 12102(c) and 46 U.S.C. § 31322(a)

Sector:	All
Obligations Concerned:	Market Access (Article 10.4)
Description:	The United States reserves the right to adopt or maintain any measure that is not inconsistent with the United States' obligations under the market access article of an agreement referenced in 19 U.S.C. § 3511(d)(14). If Bahrain believes that such a non-conforming measure would materially affect its interests under this Agreement, it may request consultations under this entry. The United States agrees to engage in such consultations and to give due consideration to the views expressed by Bahrain in this respect.

Sector: All

Obligations Concerned: Most-Favored-Nation Treatment (Article 10.3)

Description: The United States 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 United States 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 after the date of entry into force of this Agreement involving:

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