ANNEX I

1. The Schedule of a Party to this Annex sets out, pursuant to Articles 10.12 (Non-Conforming Measures) and 11.6 (Non-Conforming Measures), a Party's existing measures that are not subject to some or all of the obligations imposed by:

(a) Article 10.3 or 11.2 (National Treatment);

(b) Article 10.4 or 11.3 (Most-Favored-Nation Treatment);

(c) Article 11.5 (Local Presence);

(d) Article 10.8 (Performance Requirements);

(e) Article 10.9 (Senior Management and Boards of Directors); or

(f) Article 11.4 (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 article(s) referred to in paragraph 1 that, pursuant to Articles 10.12.1(a) (Non-Conforming Measures) and 11.6.1(a) (Non-Conforming Measures), 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 Agreement, and

(ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

(e) **Description**, for Oman, sets out the non-conforming aspects of the measure for which the entry is made; and **Description**, for the United States, provides a general, nonbinding description of the measure for which the entry is made.

3. In accordance with Articles 10.12.1(a) (Non-Conforming Measures) and 11.6.1(a) (Non-Conforming Measures), and subject to Articles 10.12.1(c) (Non-Conforming Measures) and 11.6.1(c) (Non-Conforming Measures), the articles of this Agreement 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 in the schedule of the United States, and to the non-conforming aspects of a law, regulation, or other measure that are set out in the **Description** element of that entry in the schedule of Oman.

4. Where a Party maintains a measure that requires that a service supplier be a citizen, permanent resident, or resident of its territory as a condition to the supply of a service in its territory, a Schedule entry for that measure taken with respect to Article 11.2 (National Treatment), 11.3 (Most-Favored-Nation Treatment), or 11.5 (Local Presence) shall operate as a Schedule entry with respect to Article 10.3 (National Treatment), 10.4 (Most-Favored-Nation Treatment), or 10.8 (Performance Requirements) to the extent of that measure.

ANNEX I
SCHEDULE OF OMAN

Sector: All

Obligations Concerned: National Treatment (Article 10.3)

Level of Government: Central

Measures: Sultani Decree No. 24/95 amending certain of the Provisions regarding the Special Law of Land

Ministerial Decision No. 254/2004 from the Ministry of Housing, Electricity, and Water

Description: Investment

Foreign nationals and enterprises owned by foreign nationals may own real estate only in designated tourist areas, which will cover most major tourist areas in Oman by ten years after the date of entry into force of the Agreement. Foreign nationals and enterprises owned by foreign nationals may, however, enter into fifty-year renewable leases for real estate in all areas of Oman.

Sector:	Legal Services
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 102/94, as amended by Sultani Decree No. 90/96 and Sultani Decree No. 56/2003
Description:	<u>Investment</u> Foreign nationals may own up to 70 percent of the equity in any enterprise established in Oman that supplies legal services. This limitation does not apply to any such enterprise that was established in Oman as of the date of entry into force of this Agreement.

Sector: Real Estate Brokerage Services

Obligations Concerned: National Treatment (Articles 11.2 and 10.3)

Level of Government: Central

Measures: Sultani Decree No. 78/2000 promulgating the Law Organizing Brokerage Profession in Real Estate Activities

Description: Cross-Border Services and Investment

Only Omani nationals and enterprises owned by Omani nationals may supply real estate brokerage services.

Sector:	Employment Placement Services
Obligations Concerned:	National Treatment (Articles 11.2 and 10.3)
Level of Government:	Central
Measures:	Ministry of Manpower – Ministerial Decisions 59/93 and 299/98
Description:	Cross-Border Services and Investment Only Omani nationals and enterprises owned by Omani nationals may supply employment placement services.

Sector:	Investigation and Security Services
Obligations Concerned:	National Treatment (Articles 11.2 and 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 35/90 regarding the Police Law Sultani Decree No. 92/99 regarding the Public Prosecution Law Sultani Decree No. 55/90, The Commercial Code
Description:	<u>Cross-Border Services and Investment</u> The Royal Oman Police has the authority to restrict the supply of investigation and security services to only Omani nationals and enterprises owned by Omani nationals.

Sector: Printing and Publishing Services

Obligations Concerned: National Treatment (Article 10.3)

Level of Government: Central

Measures: Sultani Decree No. 87/2004 amending certain articles regarding the Law on Printing and Publishing

Description: Investment

Only Omani nationals and enterprises owned by Omani nationals may publish and print books, newspapers, and other written materials in the territory of Oman for circulation to the public.

Sector: Retail Photographic Services

Obligations Concerned: National Treatment (Article 10.3)

Level of Government: Central

Measures: Sultani Decree No. 87/2004 amending certain articles regarding the Law on Printing and Publishing

Sultani Decree No. 55/90, The Commercial Code

Description: Investment

The Ministry of Commerce and Industry has the authority to restrict the supply of retail photographic services to only Omani nationals and enterprises owned by Omani nationals.

Sector:	Radio and Television Transmission Services
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 98/2004 promulgating the Special Law for the Establishment of Radio & Telecommunication
Description:	Investment Only Omani nationals and enterprises owned by Omani nationals may supply free-to-air radio and television transmission services in the territory of Oman.

Sector:	Retailing Services
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 102/94, as amended by Sultani Decree No. 90/96 and Sultani Decree No. 56/2003
Description:	<u>Investment</u> Foreign nationals may own up to 70 percent of the equity in any enterprise established in Oman that is valued at less than $5 million and that supplies retailing services. For greater certainty, foreign nationals may own up to 100 percent of the equity in any enterprise established in Oman that is valued at greater than $5 million and that supplies retailing services. After December 31, 2010, foreign nationals may own up to 100 percent of the equity in any enterprise established in Oman that is valued at greater than $1 million and that supplies retailing services.

Sector: Tourist Guide Services

Obligations Concerned: National Treatment (Articles 11.2 and 10.3)

Level of Government: Central

Measures: Sultani Decree No. 33/2002 on Tourist Guides

Description: Cross-Border Services and Investment

Only Omani nationals and enterprises owned by Omani nationals may serve as licensed tour guides in the territory of Oman. Foreign nationals may, however, accompany tour groups from a foreign country to Oman and on tours of Oman.

Sector:	News Agency Services
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 102/94, as amended by Sultani Decree No. 90/96 and Sultani Decree No. 56/2003
Description:	<u>Investment</u> Foreign nationals may own up to 70 percent of the equity in any enterprise established in Oman that supplies news agency services.

Sector:	Internal Waterway Transportation Services
Obligations Concerned:	National Treatment (Articles 11.2 and 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 53/82 on Commercial Companies Law Sultani Decree No. 35/81 on Navigation Law Sultani Decree No. 55/90, The Commercial Code
Description:	<u>Cross-Border Services and Investment</u> Only Omani nationals and enterprises owned by Omani nationals may supply transportation services on Oman's internal waterways.

Sector:	Maritime Freight Transportation
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 102/94, as amended by Sultani Decree No. 90/96 and Sultani Decree No. 56/2003
Description:	Investment Foreign nationals may own up to 70 percent of the equity in any enterprise established in Oman that supplies maritime freight transportation services.

Sector:	Taxi Transportation Services
Obligations Concerned:	National Treatment (Articles 11.2 and 10.3)
Level of Government:	Central
Measures:	Royal Oman Police – Ministerial Decision No. 23/1998 regarding procedures and control for taxi services
Description:	Cross-Border Services and Investment Only Omani nationals and enterprises owned by Omani nationals may supply taxi transportation services.

Sector:	Air Transportation Services
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 93/2004 on Civil Aviation Law
Description:	Investment Aircraft that are owned by foreign nationals or by an enterprise that is owned by foreign nationals may not transport passengers, goods, or mail between two points within the territory of Oman unless they are specifically authorized to do so by the competent Omani authorities.

Sector: Specialty Air Services

Obligations Concerned: National Treatment (Articles 11.2 and 10.3)

Level of Government: Central

Measures: Sultani Decree No. 93/2004 on Civil Aviation Law

Description: Cross-Border Services and Investment

Aircraft that are owned by foreign nationals or by an enterprise that is owned by foreign nationals may not supply specialty air services unless they are specifically authorized to do so by the competent Omani authorities.

Sector:	Aircraft Maintenance and Repair, Air Transportation Selling and Marketing, and Computer Air Transportation Reservation Systems Services
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 102/94, as amended by Sultani Decree No. 90/96 and Sultani Decree No. 56/2003
Description:	Investment Foreign nationals may own up to 70 percent of the equity in any enterprise established in Oman that supplies aircraft maintenance and repair, air transportation selling and marketing, or computer air transportation reservation systems services.

Sector:	Restaurant Services
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Sultani Decree No. 102/94, as amended by Sultani Decree No. 90/96 and Sultani Decree No. 56/2003
Description:	<u>Investment</u> Foreign nationals may own up to 70 percent of the equity in any enterprise established in Oman that supplies restaurant services

ANNEX I
SCHEDULE OF THE UNITED STATES

Sector: Atomic Energy

Obligations Concerned: National Treatment (Article 10.3)

Level of Government: Central

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

Description: Investment

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)).

Sector:	Business Services
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	*Export Trading Company Act of 1982*, 15 U.S.C. §§ 4011-4021 15 C.F.R. Part 325
Description:	Cross-Border Services

Title III of the *Export Trading Company Act of 1982* authorizes the Secretary of Commerce to issue "certificates of review" with respect to export conduct. The Act provides for the issuance of a certificate of review where the Secretary determines, and the Attorney General concurs, that the export conduct specified in an application will not have the anticompetitive effects proscribed by the Act. A certificate of review limits the liability under federal and state antitrust laws in engaging in the export conduct certified.

Only a "person" as defined by the Act can apply for a certificate of review. "Person" means "an individual who is a resident of the United States; a partnership that is created under and exists pursuant to the laws of any State or of the United States; a State or local government entity; a corporation, whether organized as a profit or nonprofit corporation, that is created under and exists pursuant to the laws of any State or of the United States; or any association or combination, by contract or other arrangement, between such persons."

A foreign national or enterprise may receive the protection provided by a certificate of review by becoming a "member" of a qualified applicant. The regulations define "member" to mean "an entity (U.S. or foreign) that is seeking protection under the certificate with the applicant. A member may be a partner in a partnership or a joint venture; a shareholder of a corporation; or a participant in an association, cooperative, or other form of profit or nonprofit organization or relationship, by contract or other arrangement."

Sector:	Business Services
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	*Export Administration Act of 1979, as amended*, 50 U.S.C. App. §§ 2401-2420 *International Emergency Economic Powers Act,* 50 U.S.C. §§ 1701-1706 *Export Administration Regulations*, 15 C.F.R. Parts 730 - 774
Description:	<u>Cross-Border Services</u> With some limited exceptions, exports and re-exports of commodities, software, and technology subject to the Export Administration Regulations require a license from the Bureau of Industry and Security, U.S. Department of Commerce (BIS). Certain activities of U.S. persons, wherever located, also require a license from BIS. An application for a license must be made by a person in the United States. In addition, release of controlled technology to a foreign national in the United States is deemed to be an export to the home country of the foreign national and requires the same written authorization from BIS as an export from the territory of the United States.

Sector:	Mining
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4)
Level of Government:	Central
Measures:	*Mineral Lands Leasing Act of 1920*, 30 U.S.C. Chapter 3A 10 U.S.C. § 7435
Description:	<u>Investment</u> 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)). Nationalization is not considered to be denial of similar or like privileges. 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).

Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4)
Level of Government:	Central
Measures:	22 U.S.C. §§ 2194 and 2198(c)
Description:	<u>Investment</u> The Overseas Private Investment Corporation 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 10.3) Most-Favored-Nation Treatment (Article 10.4) Senior Management and Boards of Directors (Article 10.9)
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:	<u>Investment</u> 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 (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Articles 10.4 and 11.3) Local Presence (Article 11.5) Senior Management and Boards of Directors (Article 10.9)
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:	<u>Cross-Border Services</u> 1. Authorization from the Department of Transportation is required for the provision of specialty air services in the territory of the United States.* <u>Investment</u> 2. “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.

*A person of Oman will be able to obtain such an authorization given Oman's acceptance of the U.S. definition of specialty air services in Chapter Eleven (Cross-Border Trade in Services).

Sector:	Transportation Services - Customs Brokers
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	19 U.S.C. § 1641(b)
Description:	Cross-Border Services and Investment 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 10.3) Most-Favored-Nation Treatment (Article 10.4)
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. §§ 78*l*, 78m, 78o(d), and 78w(a) 17 C.F.R. § 240.12b-2
Description:	<u>Investment</u> 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 10.3)
Level of Government:	Central
Measures:	47 U.S.C. § 310 Foreign Participation Order 12 FCC Rcd 23891 (1997)
Description:	<u>Investment</u> 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:	Professional Services - Patent Attorneys, Patent Agents, and Other Practice before the Patent and Trademark Office
Obligations Concerned:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	35 U.S.C. Chapter 3 (practice before the U.S. Patent and Trademark Office) 37 C.F.R. Part 10 (representation of others before the U.S. Patent and Trademark Office)
Description:	Cross-Border Services

As a condition to be registered to practice for others before the U.S. Patent and Trademark Office (USPTO):

(a) a patent attorney must be a U.S. citizen or an alien lawfully residing in the United States (37 C.F.R. § 10.6(a));

(b) a patent agent must be a U.S. citizen, an alien lawfully residing in the United States, or a non-resident who is registered to practice in a country that permits patent agents registered to practice before the USPTO to practice in that country; the latter is permitted to practice for the limited purpose of presenting and prosecuting patent applications of applicants located in the country in which he or she resides (37 C.F.R. § 10.6(c)); and

(c) a practitioner in trademark and non-patent cases must be an attorney licensed in the United States, a "grandfathered" agent, an attorney licensed to practice in a country that accords equivalent treatment to attorneys licensed in the United States, or an agent registered to practice in such a country; the latter two are permitted to practice for the limited purpose of representing parties located in the country in which he or she resides (37 C.F.R. § 10.14(a)-(c)).

Sector:	All Sectors
Obligations Concerned:	National Treatment (Articles 10.3 and 11.2) Most-Favored-Nation Treatment (Articles 10.4 and 11.3) Local Presence (Article 11.5) Performance Requirements (Article 10.8) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Regional
Measures:	All existing non-conforming measures of all states of the United States, the District of Columbia, and Puerto Rico
Description:	<u>Cross-Border Services and Investment</u>