17 Sector: Transport

Sub-Sector: Aquatic Transport

Obligations Concerned: National Treatment (Article 104)

Local Presence (Article 107)

Level of Government: Central

Measures: Ley N° 28583, Ley de Reactivación y Promoción de la Marina Mercante Nacional, Diario Oficial "El Peruano" del 22 de julio de 2005, artículos 4.1, 6.1, 7.1, 7.2, 7.4 y 13.6.

Ley N° 29475, Ley que modifica la Ley N° 28583, Ley de Reactivación y Promoción de la Marina Mercante Nacional, Diario Oficial "El Peruano" del 17 de Diciembre de 2009, artículo 13.6 y Décima Disposición Transitoria y Final.

Decreto Supremo N° 028 DE/MGP, Diario Oficial "El Peruano" del 25 de mayo de 2001, Reglamento de la Ley N° 26620, artículo I-010106, literal (a).

Description: Cross-Border Trade in Services

1. A "National Shipowner" or "National Ship Enterprise" is understood as a natural person of Peruvian nationality or juridical person constituted in Peru, with its principal domicile and real and effective headquarters in Peru, whose business is to provide services in water transportation in national traffic or cabotage and/or international traffic and who is the owner or lessee under a financial lease or a bareboat charter, with an obligatory purchase option, of at least one Peruvian flag merchant vessel and that has obtained the relevant Operation Permit from the General Aquatic Transport Directorate.

Note: For greater certainty, water transportation includes transport by lakes and rivers.

2. The chairman of the board of directors, the majority of the directors, and the General Manager must be Peruvian nationals and residents in Peru.

3. The captain and the crew of Peruvian-flagged vessels must be entirely Peruvian nationals authorized by the "*Dirección General de Capitanías y Guardacostas*". In exceptional cases and after ascertaining that there is no Peruvian qualified personnel with experience in that type of vessel available, foreign nationals could be hired to a maximum of 15 percent of the total crew, and for a limited period of time. This exception does not reach the captain of the vessel.

4. Only a Peruvian national may be a licensed harbor pilot.