

ANNEX I

EXPLANATORY NOTES

1. The Schedule of a Party to this Annex sets out, in accordance with Article 9.7 (Non-Conforming Measures) and Article 14.14 (Non-Conforming Measures), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 9.3 (National Treatment) or Article 14.4 (National Treatment);
- (b) Article 9.4 (Most-Favoured-Nation Treatment) or Article 14.5 (Most-Favoured-Nation Treatment);
- (c) Article 9.5 (Market Access);
- (d) Article 9.6 (Local Presence)
- (e) Article 14.6 (Prohibition of Performance Requirements); or
- (f) Article 14.10 (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) **Sub-Sector**, where referenced, refers to the specific sub-sector for which the entry is made;
- (c) **Industry Classification**, where referenced, refers to the activity covered by the non-conforming measure, according to the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);
- (d) **Obligations Concerned** specifies the obligations referred to in paragraph 1 that, in accordance with Article 14.14 (Non-Conforming Measures) and Article 9.7 (Non-Conforming Measures), do not apply to the listed measure(s);

(e) **Level of Government** indicates the level of government maintaining the listed measures;

(f) **Source of Measure** identifies the laws, regulations or other measures for which the entry is made. A measure cited in the “Source of Measure” 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

(g) **Description** sets out the non-conforming measure for which the entry is made.

3. A measure that is reserved against Article 9.6 (Local Presence) need not be reserved against Article 9.3 (National Treatment).

4. Article 14.6 (Prohibition of Performance Requirements) and Article 14.10 (Senior Management and Board of Directors) are separate disciplines to Article 14.4 (National Treatment) and a measure that is only inconsistent with Article 14.6 (Prohibition of Performance Requirements) or Article 14.10 (Senior Management and Board of Directors) need not be reserved against Article 14.4 (National Treatment).

5. In accordance with Article 9.7 (Non-Conforming Measures) and Article 14.14 (Non-Conforming Measures), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming measures identified in the **description** element of that entry.