

ANNEX I

EXPLANATORY NOTES

*This Annex of CPTPP remain unchanged in comparison with that of TPP (according to WTO Center-VCCI)

1. The Schedule of a Party to this Annex sets out, pursuant to Article 9.12 (Non-Conforming Measures) and Article 10.7 (Non-Conforming Measures), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 9.4 (National Treatment) or Article 10.3 (National Treatment);
- (b) Article 9.5 (Most-Favoured-Nation Treatment) or Article 10.4 (Most-Favoured-Nation Treatment);
- (c) Article 9.10 (Performance Requirements);
- (d) Article 9.11 (Senior Management and Boards of Directors);
- (e) Article 10.5 (Market Access); or
- (f) Article 10.6 (Local Presence).

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 subsector 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, pursuant to Article 9.12.1(a) (Non-Conforming Measures) and Article 10.7.1(a) (Non-Conforming Measures), do not apply to the listed measure(s) as indicated in the introductory note for each Party's Schedule;
- (e) **Level of Government** indicates the level of government maintaining the listed measures;
- (f) **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
- (g) **Description**, as indicated in the introductory note for each Party's Schedule, either sets out the non-conforming measure or provides a general non-binding description of the measure for which the entry is made.

3. Article 10.6 (Local Presence) and Article 10.3 (National Treatment) are separate disciplines and a measure that is only inconsistent with Article 10.6 (Local Presence) need not be reserved against Article 10.3 (National Treatment).