

**Subject to Legal Review for Accuracy, Clarity, and Consistency**  
**Subject to Authentication of English and Spanish Versions**  
**Draft 8 May 2006**

**ANNEX II**

**Explanatory Notes**

1. The Schedule of a Party to this Annex sets out, pursuant to Articles 10.13 (Non-Conforming Measures) and 11.6 (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 10.3 or 11.2 (National Treatment);
  - (b) Article 10.4 or 11.3 (Most-Favored-Nation Treatment);
  - (c) Article 11.5 (Local Presence);
  - (d) Article 10.9 (Performance Requirements);
  - (e) Article 10.10 (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 10.13.2 (Non-Conforming Measures) and 11.6.2 (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 Article 10.13.2 (Non-Conforming Measures) and 11.6.2 (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.