

ANNEX II TO CHAPTER 13 (TRADE IN SERVICES)

Headnote

1. Where appropriate, measures are referenced to the Provisional Central Product Classification (“CPC”) as set out in Statistical Office of the United Nations Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991 (“CPC code”) and on the basis of the Services Sectoral Classification List WTO document MTN.GNS/W/120.

2. The Schedule of a Party sets out, pursuant to Paragraph 2 of Article 7 (Application of Articles 4, 5, 6 and 12), the specific sectors, sub-sectors, 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 4 (Market Access);
- (b) Article 5 (National Treatment);
- (c) Article 6 (Local Presence); or
- (d) Article 12 (Most Favoured Nation Treatment).

For greater certainty, Article 4 (Market Access) only refers to non-discriminatory measures.

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

4. Each entry in a Party’s Schedule sets out the following elements:

- (a) **Sector** refers to the sector in which the entry is made;
- (b) **Industry Classification** refers, for the purpose of clarity, and where applicable, to the activity covered by the entry according to the CPC code;

- (c) **Obligations concerned** specifies the obligation(s) referred to in Paragraph 2;
- (d) **Description** sets out the nature and/or scope of the measures in the sectors, sub-sectors or activities covered by the entry; and
- (e) **Existing measures** are included for transparency purposes. The measures stipulated therein are not exhaustive.

5. Where the title “cross-border services” is used in the Description element, the entry shall be read to apply to the cross-border mode (Mode 1), the consumption abroad mode (Mode 2), and the presence of natural persons mode (Mode 4) for supply of services.

6. Where the title “investment” is used in the Description element, the entry shall be read to apply only to the commercial presence mode (Mode 3) for supply of services.

7. Any aspects of such an entry which relate to investment in goods only, are retained solely for transparency purposes.

8. In accordance with Paragraph 2 of Article 7 (Application of Articles 4, 5, 6 and 12), the Articles of this Agreement specified in the Obligations concerned element of an entry do not apply to the sectors, sub-sectors, and activities identified in the Description element of that entry.

9. Where an inconsistency arises in relation to the interpretation of an entry, the Description element of the entry shall prevail to the extent of the inconsistency.