ANNEX III

SCHEDULE OF RESERVATIONS AND NON-CONFORMING MEASURES FOR INVESTMENT

CHINA

LIST A

EXPLANATORY NOTES

1. List A sets out, pursuant to Article 10.8 (Reservations and Non-Conforming Measures), China's existing measures that are not subject to some or all of the obligations imposed by:

   (a) Article 10.3 (National Treatment);

   (b) Article 10.4 (Most-Favoured-Nation Treatment);

   (c) Article 10.6 (Prohibition of Performance Requirements); or

   (d) Article 10.7 (Senior Management and Board of Directors).

2. Each entry in List A sets out the following elements:

   (a) **Sector** refers to the sector for which the entry is made;

   (b) **Level of Government** indicates the level of government maintaining the scheduled measure(s);

   (c) **Type of Obligation** specifies the Article(s) referred to in paragraph 1 that, pursuant to subparagraph 1(a) of Article 10.8 (Reservations and Non-Conforming Measures), do not apply to the non-conforming aspects of the Source of Measure or the Description of Measure, as set out in paragraph 3;

   (d) **Description of Measure** sets out the non-conforming aspects of the measure for which the entry is made; and

   (d) **Source of Measure**[1] 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.

3. In accordance with subparagraph 1(a) of Article 10.8 (Reservations and Non-Conforming Measures), and subject to subparagraph 1(c) and paragraph 3 of Article 10.8 (Reservations and Non-Conforming Measures), the Articles specified in the Type of Obligation element of an entry in List A do not apply to the non-conforming aspects of the Description of Measure element or of the law, regulation, or other measure, as applicable, identified in the Source of Measure of that entry.

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[1] For greater certainty, a change in the level of government at which a measure is administered or enforced does not, by itself, decrease the conformity of the measure with the obligations referred to in Article 10.8 (Reservations and Non-Conforming Measures).