LIST B

EXPLANATORY NOTES

1. List B sets out, pursuant to Article 10.8 (Reservations and Non-Conforming Measures), the specific sectors, subsectors, or activities for which China may maintain existing, or adopt new or more restrictive, measures that do not conform with 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 B sets out the following elements:

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

   (b) **Type of Obligation** specifies the Article(s) referred to in paragraph 1 that, pursuant to Article 10.8 (Reservations and Non-Conforming Measures), do not apply to the sectors, subsectors, or activities covered by 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 10.8 (Reservations and Non-Conforming Measures), the Article(s) specified in the Type of Obligation element of an entry in List B do not apply to the sectors, subsectors, or activities identified in the Description element of that entry.

4. For the purposes of List B, **foreign investor** means any investor of another Party or a non-Party.

5. List B only applies to non-services investments by foreign investors, does not apply to any investments by foreign investors in services (including cultural industries, constructions and operations of infrastructural and other facilities). Any aspects of such an entry which relate to investment in service are subject to the Chapter 8 (Trade in Services) only. For greater certainty, List B shall apply to the following sectors: manufacturing, agriculture, fishery, forestry and hunting, mining and quarrying; and all or a combination of these sectors in which an entry is made.

1.

Sector	:	Atomic Energy
Type of Obligation	:	National Treatment (Article10.3) Most-Favoured-Nation Treatment (Article 10.4) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
Description	:	China reserves the right to adopt or maintain any measure with respect to the following: utilisation of atomic energy (including construction or operation of nuclear power stations); nuclear fuels; nuclear materials; nuclear raw materials; exploration, exploitation and processing of radioactive minerals; treatment and disposal of radioactive wastes; nuclear energy related services; design, manufacture, production, transfer, use, import and export related to nuclear technology application; planning, monitoring, maintenance and repair services related to nuclear energy.
Existing Measures	:	-