LIST A

EXPLANATORY NOTES

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

   (a) Article 10.3 (National Treatment);

   (b) Article 10.6 (Prohibition of Performance Requirements); and

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

2. This List is made pursuant to Chapter 10 (Investment). Any commitment of Viet Nam made pursuant to Chapter 8 (Trade in Services) is found in Viet Nam's Schedule in Annex II (Schedules of Specific Commitments for Services).

3. Each reservation in this List shall set out the following elements, where applicable:

   (a) **Sector** refers to the sector or sectors for which the reservation is taken;

   (b) **Subsector** refers to specific industries/products/activities for which the reservation is taken;

   (c) **Industry Classification** refers to the activities covered by the reservation according to: International Standard Industrial Classifications (hereinafter referred to as "ISIC") Revision 3 for manufacturing, agriculture, fishery, forestry and hunting, mining and quarrying. As necessary and appropriate, Viet Nam has specified the exact coverage of the reservations if the reservations do not exactly conform to the classification system;

   (d) **Level of Government** refers to the level of government adopting or maintaining the measure for which a reservation is taken;

   (e) **Type of Obligation** refers to the obligations of National Treatment, Prohibition of Performance Requirements, and Senior Management and Board of Directors, as the case may be, which do not apply to the listed measures;

   (f) **Description of Measure** element sets out the non-conforming measure for which the reservation is made. The obligations under Type of Obligation element do not apply to the non-conforming measure identified in the Description of Measure element of that reservation;

   (g) **Source of Measure** element provides non-binding reference to the non-conforming measures for which the reservation is made for the purposes of transparency and illustration only and shall not be interpreted as an additional binding explanation of such measure.

4. In the interpretation of a reservation, all elements of a reservation shall be considered. The Description of Measure element shall prevail over all other elements.

5. Viet Nam may add, withdraw or modify any of its reservations as set out in this List for a period of 24 months from the date of entry into force of this Schedule, provided that relevant non-conforming measures are in existence as of the date of entry into force of this Agreement. Any such addition, withdrawal or modification will be submitted to the Depositary who will notify the other Parties, including the relevant laws and regulations. Such non-conforming measure shall be deemed to form part of this Schedule and shall take effect upon such notification.

6. These Explanatory Notes shall form part of this List.

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