

**LIST FROM THE REPUBLIC OF CHINA (TAIWAN)**  
**ANNEX I: EXPLANATORY NOTES**

1. The Schedule of a Party to this Annex sets out, pursuant to Articles 10.09 (Reservations and Exceptions) and 11.07 (Reservations), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Articles 10.03 (National Treatment) or 11.03 (National Treatment);
- (b) Articles 10.04 (Most-Favored-Nation Treatment) or 11.04 (Most-Favored-Nation Treatment);
- (c) Article 11.05 (Local Presence);
- (d) Article 10.07 (Performance Requirements);
- (e) Article 10.08 (Senior Management and Boards of Directors); or

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 obligation(s) referred to in paragraph 1 that, pursuant to Articles 10.09 (Reservations and Exceptions) and 11.07 (Reservations), do not apply to the listed measure(s);

(c) **Measures** identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the **Measures** 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; and

(d) **Description** sets out commitments, if any, for liberalization on the date of entry into force of the Agreement, and the remaining non-conforming aspects of the existing measures for which the entry is made.

3. In the interpretation of a Schedule entry, all elements of the entry shall be considered. An entry shall be interpreted in light of the relevant provisions of the Chapters against which the entry is made. To the extent that:

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(a) the **Measures** element is qualified by a liberalization commitment from the **Description** element, the **Measures** element as so qualified shall prevail over all other elements; and

(b) the **Measures** element is not so qualified, the **Measures** element shall prevail over all other elements, unless any discrepancy between the **Measures** element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the **Measures** element should prevail, in which case the other elements shall prevail to the extent of that discrepancy.

4. In accordance with Articles 10.09 (Reservations and Exceptions) and 11.07 (Reservations), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the law, regulation, or other measure identified in the **Measures** element of that entry.

5. Where a Party maintains a measure that requires that a service provider be a citizen, permanent resident, or resident of its territory as a condition to the provision of a service in its territory, a Schedule entry for that measure taken with respect to Article 11.03 (National Treatment), 11.04 (Most-Favored-Nation Treatment), or 11.05 (Local Presence) shall operate as a Schedule entry with respect to Article 10.03 (National Treatment), 10.04 (Most-Favored-Nation Treatment), or 10.07 (Performance Requirements) to the extent of that measure.

**LITS FROM THE REPUBLIC OF CHINA (TAIWAN)**  
**ANNEX II: EXPLANATORY NOTES**

1. The Schedule of a Party of this Annex sets out, pursuant to Articles 10.09 (Reservations and Exceptions) and 11.07 (Reservations), 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) Articles 10.03 (National Treatment) or 11.03 (National Treatment);

(b) Articles 10.04 (Most-Favored-Nation Treatment) or 11.04 (Most-Favored-Nation Treatment);

(c) Article 11.05 (Local Presence)

(d) Article 10.07 (Performance Requirements);

(e) Article 10.08 (Senior Management and Boards of Directors); or

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 obligation(s) referred to in paragraph 1 that, pursuant to Articles 10.03 (Reservations and Exceptions) and 11.07 (Reservations), do not apply to the sectors, subsectors, or activities listed 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 Articles 10.09 (Reservations and Exceptions) and 11.07 (Reservations), 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.

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**ANEXO III: ACTIVITIES RESERVED TO THE STATE**

The activities established in this Annex are reserved to the Parties and the investment of private capital is prohibited under the legislation of the Parties. If a Party allows the participation of private investments in such activities through contracts of services, concessions, loans or any other type of contractual acts, it shall not be interpreted that through this participation the reservation of the Party in those activities is affected.

1. If the legislation of the Parties is reformed to allow the investment of private capital in the activities indicated in this Annex, the Parties may impose restrictions to the participation of foreign investment, despite of what has been indicated by Article 10.03 (National Treatment), having to indicate them in Annex I. The Parties may also impose exceptions to Article 10.03 (National Treatment) with respect to the participation of foreign investment in the case of the sale of assets or the participation of the capital of a company involved in the activities indicated in this Annex, having to indicate them in Annex I.
2. The referred measures are included for the effects of transparency and include any subordinated, adopted or maintained measure under the authority of and consistent with such measures.