

ANNEX II

EXPLANATORY NOTES

1. The Schedule of Colombia to this Annex sets out, pursuant to Articles 9.7 (Non-Conforming Measures) and 8.11 (Non-Conforming Measures), the specific sectors, subsectors, 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 8.5 (National Treatment) or 9.3 (National Treatment);
- (b) Article 8.6 (Most-Favored Nation Treatment) or 9.4 (Most-Favored-Nation Treatment);
- (c) Article 8.9 (Performance Requirements);
- (d) Article 8.10 (Senior Management and Boards of Directors);
- (e) Article 9.5 (Local Presence); or
- (f) Article 9.6 (Market Access).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Subsector** refers to the specific subsector for which the entry is made;
- (c) **Obligations Concerned** specifies the article(s) referred to in paragraph 1 that, pursuant to Articles 9.7 (Non-Conforming Measures) and 8.11 (Non-Conforming Measures), do not apply to the sectors, subsectors or activities scheduled in the entry;
- (d) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry; and
- (e) **Existing Measures** identify, for a transparency purpose, the existing measures for sector, subsectors or activities covered by the entry.

3. In accordance with Articles 9.7 (Non-Conforming Measures) and 8.11 (Non-Conforming Measures), 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.

4. In the interpretation of a Schedule entry, all elements of the entry shall be considered equally. The **Description** element shall prevail over all other elements.