

Annex III
Non-Conforming Measures of the United States with Respect to
Financial Services

Introductory Note for the Schedule of the United States

Relating to Banking and Other Non-Insurance Financial Services

1. The Schedule of the United States to Annex III with respect to banking and other non-insurance financial services sets out:
 - (a) in Section A, the headnotes that limit or clarify the commitments of the United States with respect to the obligations described in subparagraph (b)(i)-(iv), and
 - (b) in Section B, pursuant to Article 12.9 (Non-Conforming Measures), the existing measures of the United States that are not subject to some or all of the obligations imposed by:
 - (i) Article 12.2 (National Treatment);
 - (ii) Article 12.3 (Most-Favored-Nation Treatment);
 - (iii) Article 12.8 (Senior Management and Boards of Directors); or
 - (iv) Annex 12.9, Section A (Right of Establishment with Respect to Certain Financial Services).

2. Each entry in Section B as described in paragraph 1(b) sets out the following elements:
 - (a) **Description of Non-Conforming Measures** sets out the non-conforming aspects of the entry and the subsector, financial institution, or activities covered by the entry;
 - (b) **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;

- (c) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1(b) that, pursuant to Article 12.9, do not apply to the listed measure(s);

Relating to Insurance

- 3. The Schedule of the United States to Annex III with respect to insurance sets out:
 - (a) headnotes that limit or clarify the commitments of the United States with respect to the obligations described in subparagraph (b)(i)-(v), and
 - (b) pursuant to Article 12.9 (Non-Conforming Measures), a schedule of existing measures of the United States that do not conform to some or all of the obligations imposed by:
 - (i) Article 12.2 (National Treatment);
 - (ii) Article 12.3 (Most-Favored-National Treatment);
 - (iii) Article 12.4 (Market Access for Financial Institutions);
 - (iv) Article 12.5 (Cross-Border Trade); or
 - (v) Article 12.8 (Senior Management and Boards of Directors).

- 4. Each entry in the schedule of non-conforming measures described in paragraph 3(b) sets out the following elements:

- (a) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 3(b) that, pursuant to Article 12.9, do not apply to the listed measure(s);
- (b) **Level of Government** indicates the level of government maintaining 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;
- (d) **Description** provides a general, nonbinding description of the **Measures**.

Common Provision

5. In accordance with Article 12.9(1)(a) (Non-Conforming Measures), 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 or in the **Description of Non-Conforming Measures** element of that entry.