

## ANNEX III

### NON-CONFORMING MEASURES OF THE UNITED STATES WITH RESPECT TO FINANCIAL SERVICES

#### INTRODUCTORY NOTE FOR THE SCHEDULE OF THE UNITED STATES

1. The Schedule of the United States to Annex III sets out:
  - (a) headnotes that limit or clarify the commitments of the United States with respect to the obligations described in clauses (i)-(v) of subparagraph (b), and
  - (b) pursuant to Article 11.9 (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 11.2 (National Treatment);
    - (ii) Article 11.3 (Most-Favored-Nation Treatment);
    - (iii) Article 11.4 (Market Access for Financial Institutions);
    - (iv) Article 11.5 (Cross-Border Trade); or
    - (v) Article 11.8 (Senior Management and Boards of Directors).
2. Each entry as described in paragraph 1(b) sets out the following elements:
  - (a) **Sector** refers to the general sector for which the entry is made;
  - (b) **Sub-Sector** refers to the specific sector for which the entry is made;
  - (c) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1(b) that, pursuant to Article 11.9, do not apply to the non-conforming aspects of the law, regulation, or other measure listed in the **Measures** element of an entry;
  - (d) **Level of Government** indicates the level of government maintaining the scheduled measure(s);
  - (e) **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
- (f) **Description**
  - (i) for entries related to banking and other non-insurance financial services, sets out the non-conforming aspects of the entry and the subsector, financial institution, or activities covered by the entry; and
  - (ii) for entries related to insurance, provides a general, nonbinding description of the measure for which the entry is made.

3. In accordance with Article 11.9.1(a), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming aspects of the law, regulation or other measure identified in the **Measures** element or in the **Description** element of that entry, except to the extent the measure identified in the **Measures** or the **Description** element has been modified by a Specific Commitment in an Annex to Chapter Eleven (Financial Services).