

ANNEX I

EXPLANATORY NOTES

1. The Schedule of a Colombia to this Annex sets out, pursuant to Articles 9.7 (Non-Conforming Measures) and 8.11 (Non-Conforming Measures), the Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article or 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 9.7.1(a) and 8.11.1(a), do not apply to the measure(s) listed.
- (d) **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
- (e) **Description** gives information on the remaining non-conforming aspects of the measure 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 articles of the Chapters against which the entry is made. 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 9.7.1(a) (Non-Conforming Measures) and 8.11.1(a) (Non-Conforming Measures), 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 of that entry.

5. Article 9.5 (Local Presence) and Article 9.3 (National Treatment) are separate disciplines and a measure that is only inconsistent with Article 9.5 (Local Presence) need not be reserved against Article 9.3 (National Treatment).

6. Where Colombia 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 9.3 (National Treatment), 9.4 (Most-Favored-Nation Treatment), or 9.5 (Local Presence) shall operate as a Schedule entry with respect to Article 8.5 (National Treatment), 8.6 (Most-Favored-Nation Treatment), or 8.9 (Performance Requirements) to the extent of that measure.