

TISA STATE-OWNED ENTERPRISES ANNEX

**October 2016 Revised Text
Summary of Changes**

1. The definition of “public service mandate” has been moved from a footnote in Article X.4 into a free-standing definition in Article X.1 (Definitions). The substance of the definition has not been altered.
2. The “for greater certainty” provision in Article X.2 (Scope) clarifying that nothing in the Annex prevents a Party from establishing or maintaining an SOE has been moved higher up in the article. The substance of the provision has not been altered.
3. A new scope exclusion has been added to Article X.2 (Scope). The provision (at paragraph 5) provides that the obligations on non-discriminatory treatment in Article X.4 will not apply where an SOE is acting pursuant to a measure covered by reservations set out in a Party’s schedule.
4. A new “for greater certainty” footnote has been added at end of Article X.3 (Administrative Bodies), clarifying how the impartial exercise of regulatory discretion is to be assessed. The new footnote clarifies, but does not alter, the substance of the article.
5. The exception in Article X.4 for measures taken in time of economic emergency has been moved into Article X.7 (Exceptions). The substance of the exception has not been altered.
6. For clarity of drafting, the term “entity” has been replaced with “state-owned enterprise” in Article X.6 (Transparency). The substance of the provisions in this article have not been altered.
7. A new exception has been added in Article X.7. The provision (at paragraph 2) provides that the article on commercial considerations and non-discriminatory treatment will not apply to services supplied by Parties’ export credit agencies or agencies that provide financing for overseas private investment.
8. References to accession candidates in Article X.8 (Future Negotiations) have been streamlined, in order to match terminology used elsewhere in TiSA. The substance of the article has not been altered.