

ANNEX 16-D

APPLICATION TO SUB-CENTRAL STATE-OWNED ENTERPRISES AND DESIGNATED MONOPOLIES

Pursuant to Article 16.9.2, the following obligations shall not apply with respect to a state-owned enterprise owned or controlled by a sub-central level of government and a designated monopoly designated by a sub-central level of government:²⁸

- (a) for Australia:
 - (i) Article 16.4.1(a) and (b);
 - (ii) Article 16.4.2;
 - (iii) Article 16.6.1(a) and Article 16.6.2(a), with respect to the production and sale of a good in competition with a like good produced and sold by a covered investment in the territory of Australia;
 - (iv) Article 16.6.1(b) and (c), and Article 16.6.2(b) and (c); and
 - (v) Article 16.10.1.

- (b) for Peru:
 - (i) Article 16.4.1(a) and (b);
 - (ii) Article 16.4.1(c)(i);
 - (iii) Article 16.4.2;
 - (iv) Article 16.6.1(a) and Article 16.6.2(a), with respect to the production and sale of a good in competition with a like good produced and sold by a covered investment in the territory of Peru;
 - (v) Article 16.6.1(b) and (c), and Article 16.6.2(b) and (c); and
 - (vi) Article 16.10.1.

²⁸ For the purposes of this Annex, “sub-central level of government” means the regional level of government and the local level of government of a Party.