Financial Services Annex (Insurance) - United States

Headnotes

1. Commitments in this sector under this Agreement are undertaken subject to the limitations and conditions set forth in these headnotes and the schedule below.

2. National treatment commitments in the insurance sector are subject to the following limitation: national treatment with respect to insurance financial institutions will be provided according to a non-U.S. insurance financial institution’s state of domicile, where applicable, in the United States. State of domicile is defined by individual states, and is generally the state in which an insurer either is incorporated, is organized or maintains its principal office in the United States.

3. Market access commitments in the insurance sector are subject to the following limitation: Article 13.9.1(c) shall not apply to non-conforming measures relating to Article 13.4.
Sector: Insurance

Obligations Concerned: National Treatment
Cross-Border Trade

Level of Government: Central


Description: Branches of foreign insurance companies are not permitted to provide surety bonds for U.S. Government contracts.
Sector: Insurance

Obligations Concerned: National Treatment
Cross-Border Trade

Level of Government: Central

Measures: 46 C.F.R. § 249.9

Description: When more than 50 per cent of the value of a maritime vessel whose hull was built under federally guaranteed mortgage funds is insured by a non-US insurer, the insured must demonstrate that the risk was substantially first offered in the US market.
<table>
<thead>
<tr>
<th>Sector:</th>
<th>Insurance</th>
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<tbody>
<tr>
<td>Obligations Concerned:</td>
<td>Market Access</td>
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<tr>
<td>Level of Government:</td>
<td>All</td>
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<tr>
<td>Measures:</td>
<td>Description:</td>
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<td>The United States reserves the right to adopt or maintain any measure that is not inconsistent with the United States' obligations under Article XVI of the GATS.</td>
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</tbody>
</table>
Sector: Insurance
Obligations Concerned: National Treatment
Most-Favored-Nation Treatment
Cross-Border Trade
Senior Management and Boards of Directors
Level of Government: Regional
Measures: All existing non-conforming measures of all states, the District of Columbia, and Puerto Rico
Description: