

- (i) access to and use of domestic distribution systems; and
- (ii) rights of establishment.

Measure includes any law, regulation, or administrative practice.

Person of a Member State means:

- (a) a natural person who is a citizen of, or ordinarily resident in, that State;
- (b) a body corporate established under the law of that State;
- (c) an association comprising or controlled by:
 - (i) persons described in one or both of sub-paragraphs (a) or (b); or
 - (ii) persons described in one or both of sub-paragraphs (a) or (b) and persons so described in relation to the other Member State.

Article 4

Market access

Each Member State shall grant to persons of the other Member State and services provided by them access rights in its market no less favourable than those allowed to its own persons and services provided by them.

Article 5

National treatment

1. Each Member State shall accord to persons of the other Member State and services provided by them treatment no less favourable than that accorded in like circumstances to its persons and services provided by them.
2. Notwithstanding paragraph 1 of this Article, the treatment a Member State accords to persons of the other Member State may be different from the treatment the Member State accords to its persons, provided that:
 - (a) the difference in treatment is no greater than that necessary for prudential, fiduciary, health and safety or consumer protection reasons; and
 - (b) such different treatment is equivalent in effect to the treatment accorded by the Member State to its ordinary residents for such reasons.
3. The Member State proposing or according different treatment under paragraph 2 of this Article shall have the burden of establishing that such treatment is consistent with that paragraph.
4. No provision of this Article shall be construed as imposing obligations or conferring rights upon either Member State with respect to Government procurement or subsidies.

Article 6

Most favoured nation treatment

In relation to the provision of services inscribed by it in the Annex, each Member State shall accord to persons of the other Member State and services provided by them treatment no less favourable than that accorded in like circumstances to persons of third States.

Article 7

Commercial presence

Each Member State shall accord to persons of the other Member State the right to select their preferred form of commercial presence, which shall be in accordance with the applicable laws and regulations of that Member State.

Article 8

Discriminatory or restrictive measures

Notwithstanding that such measures may be consistent with Articles 4, 5, 6 and 7 of this Protocol, neither Member State shall introduce any measure, including a measure requiring the establishment or commercial presence by a person of the other Member State in its territory as a condition for the provision of a service, that constitutes a means of arbitrary or unjustifiable discrimination against persons of the other Member State or a disguised restriction on trade between them in services.

Article 9

Licensing and certification

1. Each Member State shall endeavour to ensure that licensing and certification measures shall not have the purpose or effect of impairing or restraining, in a discriminatory manner, access of persons of the other Member State to such licensing or certification.
2. Each Member State shall encourage the recognition of the qualifications obtained in the other Member State, for the purpose of licensing and certification requirements for the provision of services.

Article 10

Liberalisation of trade

1. The Member States agree to review in accordance with Article 20 of this Protocol the status of services inscribed in the Annex with a view to the liberalisation of trade in such services and whether, and if so how, removal from the Annex could be achieved.
2. A Member State may, at any time, either upon request of the other Member State or unilaterally, remove in whole or in part services inscribed by it from the Annex by notifying the other Member State in writing of its intention to do so.

Article 11

Export subsidies and other direct government assistance

The Member States shall not introduce new, or expand existing, export subsidies, export incentives and other assistance measures having a direct distorting effect on trade between them in services and shall work towards the elimination of any such measures by 30 June 1990.

Article 12

Monopolies