

- (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

- 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.
- 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.
- 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.
- 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

- (i) 国内分销系统访问和使用； 以及
- (ii) 设立权。

措施包括任何法律、法规或行政惯例。

成员国人员是指：

- (a) 该国的公民或通常居住在该国的自然人；
 - (b) 根据该国法律设立的法人；
 - (c) 由下列人员组成的协会或受其控制：
 - (i) 在子段 (a) 或 (b) 中描述的一名或两名人员；
 - 或
 - (ii) 在子段 (a) 或 (b) 中描述的一名或两名人员以及
- 与另一成员国具有此类描述的人员。

第4条

市场准入

每个成员国应当给予其他成员国的人员及其提供的服务在其市场上的准入权， 其待遇不得低于其本国人员及其提供的服务所享有的待遇。

第5条

国民待遇

- 每个成员国应当给予其他成员国的人员及其提供的服务不低于在类似情况下给予其本国人员及其提供的服务的那种待遇的待遇。
- 不论本条第1段的规定如何， 一个成员国给予其他成员国的人员的待遇可能与该成员国给予其本国人员的待遇不同， 但条件是：
 - (a) 待遇差异不应超过为审慎、 受信、 健康和安全或消费者保护等原因所必需的程度； 以及
 - (b) 这种不同的待遇在效果上等同于成员国为其普通居民因相同原因给予的待遇。
- 提出或给予本条第2款所述不同待遇的成员国， 应承担证明该待遇与本款一致的举证责任。
- 本条任何规定均不得被解释为对任何成员国在政府采购或补贴方面施加义务或赋予权利。

第6条

最惠国待遇