

- (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) 该国的自然人公民或通常居住在该国；
- (b) 根据该国法律设立的法人；
- (c) 由以下人员组成的协会或受其控制：
 - (i) 在子段 (a) 或 (b) 中描述的一个或两个人员；或
 - (ii) 在子段 (a) 或 (b) 中描述的一个或两个人员以及与其他成员国相关的人员。

第4条

市场准入

每个成员国应当给予其他成员国的个人及其提供的服务在其市场上的准入权，其优待程度不得低于其本国个人及其提供的服务所允许的优待程度。

第5条

国民待遇

- 每个成员国应当给予其他成员国的个人及其提供的服务不低于在类似情况下给予其本国个人及其提供的服务的那种待遇的待遇。
- 不论本条第一款如何规定，一个成员国给予其他成员国的个人以的待遇可能与该成员国给予其本国个人的待遇不同，但前提是：
 - (a) 差异待遇不应超过为审慎的、受信的、健康和安全或消费者保护理由所必需的程度；以及
 - (b) 这种差异待遇在效果上等同于成员国给予其普通居民因相同理由的待遇。
- 提出或给予本条第2款所述差异待遇的成员国应当证明该待遇与本款一致。
- 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

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

- 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.
- 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

- 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.
- 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

关于其附件中列出的服务提供，每个成员国应给予其他成员国的个人及其提供的服务不低于在类似情况下给予第三国个人的待遇。

第7条

商业存在

每个成员国应当给予其他成员国的个人选择其偏好商业存在形式的权利，该形式应符合该成员国的适用法律和法规。

第8条

歧视性或限制性措施

尽管此类措施可能与本议定书的第4条、第5条、第6条和第7条一致，但任何成员国均不得采取任何措施，包括要求其他成员国的个人在其领土内设立或存在商业存在作为提供服务的条件，该措施构成对其他成员国个人的任意或不合理歧视，或对它们之间服务贸易的隐蔽限制。

文章 9

许可和认证

每个成员国应努力确保许可和认证措施不得具有妨碍或限制其他国家个人以歧视性方式进入此类许可或认证的目的或效果。

- 每个成员国应鼓励承认在其他成员国获得的资格，以用于服务提供的许可和认证要求。

文章 10

贸易自由化

- 成员国同意根据本议定书的第20条，审查附件中列出的服务状态，旨在实现此类服务的贸易自由化，并探讨是否以及如何可以从附件中将其移除。
- 任何成员国都可以在任何时候，应另一成员国的请求或单方面地，通过书面通知另一成员国其意图，将其列出的服务全部或部分从附件中移除。

第11条

出口补贴和其他直接政府援助

成员国不得引入新的或扩大现有的出口补贴、出口激励以及其他具有直接扭曲贸易影响的服务援助措施，并应努力在1990年6月30日前消除任何此类措施。

第12条

垄断