ARTICLE 8.18

Non-conforming measures

1. Articles 8.15 to 8.17 do not apply to:

(a) any existing non-conforming measure that is maintained by a Party at a level of:

(i) for the European Union:

(A) the European Union, as set out in its Schedule in Annex I to Annex 8-B;

(B) the central government of a Member State of the European Union, as set out in its Schedule in Annex I to Annex 8-B;

(C) a regional government of a Member State of the European Union, as set out in its Schedule in Annex I to Annex 8-B; or

(D) a local government, other than that referred to in subparagraph (C); and

(ii) for Japan:

(A) the central government, as set out in its Schedule in Annex I to Annex 8-B;

(B) a prefecture, as set out in its Schedule in Annex I to Annex 8-B; or

(C) a local government other than a prefecture;

(b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or

(c) an amendment of, or modification to, any non-conforming measure referred to in subparagraphs (a) and (b), provided that the amendment or modification does not decrease the conformity of the measure with Articles 8.15 to 8.17 as it existed immediately before the amendment or modification.

2. Articles 8.15 to 8.17 do not apply to any measure by a Party with respect to sectors, sub-sectors or activities as set out in its Schedule in Annex II to Annex 8-B.