SECTION E

Regulatory framework

SUB-SECTION 1

Domestic regulation

ARTICLE 8.29

Scope and definitions

1. This Sub-Section applies to measures by a Party relating to licensing requirements and procedures, qualification requirements and procedures and technical standards[1] that affect:

(a) cross-border trade in services as defined in subparagraph (d) of Article 8.2;

(b) establishment as defined in subparagraph (i) of Article 8.2 or operation as defined in subparagraph (p) of Article 8.2; or

(c) the supply of a service through the presence of a natural person of a Party in the territory of the other Party, in accordance with Article 8.24.

2. This Sub-Section does not apply to licensing requirements and procedures, qualification requirements and procedures and technical standards:

(a) pursuant to a measure that does not conform with Article 8.7 or 8.8 and is referred to in subparagraphs 1(a) to (c) of Article 8.12 or with Article 8.15 or 8.16 and is referred to in subparagraphs 1(a) to (c) of Article 8.18; or

(b) pursuant to a measure referred to in paragraph 2 of Article 8.12 or paragraph 2 of Article 8.18.

3. For the purposes of this Sub-Section, a "competent authority" is a central, regional or local government or authority, or a non-governmental body in the exercise of powers delegated by central, regional or local governments or authorities, which is entitled to take a decision concerning the authorisation to supply a service, including through establishment, or concerning the authorisation to establish an enterprise in order to engage in an economic activity other than a service.

[1] For greater certainty, as far as measures relating to technical standards are concerned, this Sub-Section applies only to such measures affecting trade in services.