2. For greater certainty, paragraph 1 prescribes the customary international law minimum standard of treatment of aliens as the standard of treatment to be afforded to investments of investors of the other Contracting Party. The concepts of "fair and equitable treatment" and "full protection and security" do not require treatment in addition to or beyond that which is required by that standard, and do not create additional substantive rights. For the purpose of paragraph 1:

(a) "fair and equitable treatment" includes the obligation not to deny justice in criminal, civil or administrative adjudicatory proceedings in accordance with the principle of due process embodied in the principal legal systems of the world; and

(b) "full protection and security" requires each Contracting Party to provide the level of police protection required under customary international law.

3. A determination that there has been a breach of another provision of this Agreement, or of a separate international agreement, does not establish that there has been a breach of this Article.

4. For greater certainty, the mere fact that a Contracting Party takes or fails to take an action that may be inconsistent with an investor's expectations does not constitute a breach of the fair and equitable treatment or the full protection and security standards referred to in this Article, even if there is a loss or damage to the investment of investors of the other Contracting Party as a result.

Article 5
Access to the Courts of Justice

Each Contracting Party shall in its Area accord to investors of the other Contracting Party treatment no less favourable than the treatment which it accords in like circumstances to its own investors or investors of a non-Contracting Party with respect to access to the courts of justice and administrative tribunals and agencies in all degrees of jurisdiction, both in pursuit and in defence of such investors' rights.

Article 6
Relation to the WTO Agreement

Nothing in this Agreement shall be construed so as to derogate from the rights and obligations of the Contracting Parties under the WTO Agreement.

Article 7
Non-Conforming Measures

1. Articles 2 and 3 shall not apply to:

(a) any existing non-conforming measure that is maintained by the central government of a Contracting Party with respect to sectors, sub-sectors or matters as set out in the Schedule of each Contracting Party in Annex I;

(b) any existing non-conforming measure that is maintained by a local government of a Contracting Party;

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

(d) an amendment 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, as it existed immediately before the amendment or modification, with Articles 2 and 3.

2. Each Contracting Party shall, on the date on which this Agreement enters into force, notify the other Contracting Party of existing non-conforming measures referred to in subparagraph 1(a). Such notification shall include the following elements for each entry with respect to existing non-conforming measure:

(a) "Sector" refers to the sector for which the entry is made;

(b) "Sub-Sector", where referenced, refers to the specific sub-sector for which the entry is made;

(c) "Industry Classification", where referenced, and only for transparency purposes, refers to the activity covered by the non-conforming measure, according to domestic or international industry classification codes;