Chapter 7
Cross-Border Trade in Services

Article 101
Scope of Application

1. This Chapter shall apply to measures adopted or maintained by a Party affecting cross-border trade in services by service suppliers of the other Party. Such measures include measures affecting:

(a) the supply of a service;

(b) the purchase or use of, or payment for, a service;

(c) the access to and the use of services offered to the public generally, including distribution, transport or telecommunications networks and services, in connection with the supply of a service;

(d) the presence in its Area of a service supplier of the other Party; and

(e) the provision of a bond or other form of financial security as a condition for the supply of a service.

2. This Chapter shall not apply to:

(a) in respect of air transport services, measures affecting traffic rights, however granted, or measures affecting services directly related to the exercise of traffic rights, other than measures affecting:

(i) aircraft repair and maintenance services;

(ii) the selling and marketing of air transport services; and

(iii) computer reservation system (CRS) services; and

(b) government procurement as defined in Article 144.

3. Articles 103, 106, 110 and 111 shall also apply to measures by a Party affecting the supply of a service by covered investments.

Note: The Parties understand that none of the provisions of this Chapter, including this paragraph and any of its Annexes, is subject to Article 18 (Settlement of Investment Disputes between a Contracting Party and an Investor of the Other Contracting Party) of the BIT.

4. This Chapter shall not impose any obligation on a Party with respect to a national of the other Party seeking access to its employment market, or employed on a permanent basis in that Party and shall not confer any right on that national with respect to that access or employment.

5. This Chapter shall not apply to services supplied in the exercise of governmental authority. A service supplied in the exercise of governmental authority means a service which is supplied neither on a commercial basis nor in competition with one or more service suppliers.

6. Annex 7 provides for supplementary provisions to this Chapter, including scope of application and definitions, and the BIT, on measures by a Party affecting trade in financial services.

Note: For the purposes of this paragraph, "trade in financial services" refers to trade in financial services as defined in subparagraph 1(f) of Article 2 of Annex 7.

Article 102
Definitions

1. For the purposes of this Chapter:

(a) the term "aircraft repair and maintenance services" means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from services and does not include so-called line maintenance;