SUB-SECTION 2

Provisions of general application

ARTICLE 8.33

Administration of measures of general application

1. Each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.

2. Paragraph 1 does not apply to:

(a) the aspects of a measure that do not conform with Article 8.7 or 8.8 and are referred to in subparagraphs 1(a) to (c) of Article 8.12 or with Article 8.15 or 8.16 and are referred to in subparagraphs 1(a) to (c) of Article 8.18; or

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

ARTICLE 8.34

Review procedures for administrative decisions

1. Each Party shall maintain judicial, arbitral or administrative tribunals or procedures which provide, upon request of an affected entrepreneur or service supplier of the other Party, for a prompt review of, and where justified, appropriate remedies for, administrative decisions 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. If the procedures referred to in paragraph 1 are not independent of the agency entrusted with the administrative decision concerned, each Party shall ensure that the procedures in fact provide for an objective and impartial review.