(o) "measures by a Party" means measures adopted or maintained by:

(i) central, regional or local governments or authorities; and

(ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;

(p) "operation" means conduct, management, maintenance, use, enjoyment and sale or other form of disposal of an enterprise;

(q) "selling and marketing of air transport services" means opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution; these activities do not include the pricing of air transport services nor the applicable conditions;

(r) "services" means any service in any sector except services supplied in the exercise of governmental authority;

(s) "services supplied or activities performed in the exercise of governmental authority" means services or activities which are supplied or performed neither on a commercial basis nor in competition with one or more economic operators;

(t) "service supplier" means any natural or juridical person that seeks to supply or supplies a service; and

(u) "service supplier of a Party" means any natural or juridical person of a Party that seeks to supply or supplies a service.

ARTICLE 8.3

General exceptions

1. For the purposes of Section B and Article 8.86, Article XX of GATT 1994 is incorporated into and made part of this Agreement, *mutatis mutandis*.[1]

2. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where like conditions prevail, or a disguised restriction on establishment or trade in services, nothing in Sections B to F shall be construed as preventing a Party from adopting or enforcing measures which are:

(a) necessary to protect public security or public morals or to maintain public order;[2]

(b) necessary to protect human, animal or plant life or health;[3]

(c) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Chapter including those relating to:

(i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on contracts;

(ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts; or

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1 The Parties understand that the measures referred to in subparagraph (b) of Article XX of GATT 1994 include environmental measures necessary to protect human, animal or plant life or health. The Parties understand that subparagraph (g) of Article XX of GATT 1994 applies to measures for the conservation of living and non-living exhaustible natural resources.

2 The public security and public order exceptions may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

3 The Parties understand that the measures referred to in subparagraph (b) include environmental measures necessary to protect human, animal or plant life or health.