(e) to restrict exportation or sale for export.

3. Nothing in paragraph 2 shall be construed as preventing a Party from conditioning the receipt or continued receipt of an advantage, in connection with the establishment or operation of any enterprise in its territory, on compliance with a requirement to locate production, supply a service, train or employ workers, construct or expand particular facilities, or carry out research and development, in its territory.

4. Subparagraphs 1(a) to (c), 2(a) and (b) do not apply to qualification requirements for goods or services with respect to export promotion and foreign aid programmes.

5. Subparagraphs 1(g) and (l) do not apply when:

(a) the requirement is imposed or enforced, or the commitment or undertaking is enforced, by a court, administrative tribunal or competition authority in order to remedy a violation of competition law;[1] or

(b) a Party authorises use of an intellectual property right in accordance with Article 31 or 31*bis* of the TRIPS Agreement, or measures requiring the disclosure of data or proprietary information that fall within the scope of, and are consistent with, paragraph 3 of Article 39 of the TRIPS Agreement.

6. Subparagraph 1(l) does not apply if the requirement is imposed or enforced, or the commitment or undertaking is enforced, by a tribunal as equitable remuneration under the Party's copyright laws.

7. Subparagraphs 2(a) and (b) do not apply to requirements imposed or enforced by an importing Party relating to the content of goods necessary to qualify for preferential tariffs or preferential quotas.

[1] For greater certainty, this subparagraph includes measures adopted by the United Kingdom's competition authority in accordance with the United Kingdom's merger control or market investigation laws, to remedy situations that have an adverse effect on competition.

8. This Article is without prejudice to the obligations of a Party under the WTO Agreement.

ARTICLE 8.12

Non-conforming measures and exceptions

1. Articles 8.7 to 8.11 do not apply to:

(a) any existing non-conforming measure that is maintained by a Party at a level of:

(i) for the United Kingdom

(A) the central government, as set out in its Schedule in Annex I to Annex 8-B;

(B) a regional government, as set out in its Schedule in Annex I to Annex 8-B; or

(C) a local government, other than that referred to in subparagraph (B); and

(ii) for Japan:

(A) the central government, as set out in its Schedule in Annex I to Annex 8-B;

(B) a prefecture, as set out in its Schedule in Annex I to Annex 8-B; or

(C) a local government other than a prefecture;

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

(c) an amendment of, 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 with Articles 8.7 to 8.11 as it existed immediately before the amendment or modification.