(a) pursuant to a measure that does not conform with Article 8.7 or 8.8 and is referred to in subparagraphs 1(a) to (c) of Article 8.12 or with Article 8.15 or 8.16 and is referred to in subparagraphs 1(a) to (c) of Article 8.18; or

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

3. For the purposes of this Sub-Section, a "competent authority" is a central, regional or local government or authority, or a non-governmental body in the exercise of powers delegated by central, regional or local governments or authorities, which is entitled to take a decision concerning the authorisation to supply a service, including through establishment, or concerning the authorisation to establish an enterprise in order to engage in an economic activity other than a service.

ARTICLE 8.30

Conditions for licensing and qualification

1. Measures relating to licensing requirements and procedures, and qualification requirements and procedures of each Party shall be based on the following criteria:

(a) clarity;

(b) objectivity;

(c) transparency;

(d) advance public availability; and

(e) accessibility.

2. If a Party adopts or maintains a measure relating to licensing requirements and procedures, and qualification requirements and procedures, it shall ensure that:

(a) the licensing and qualification procedures are impartial and adequate for applicants to demonstrate that they meet the requirements, if such requirements exist;

(b) the licensing and qualification procedures do not in themselves unjustifiably prevent the fulfilment of the requirements; and

(c) such a measure does not discriminate between men and women[1].

ARTICLE 8.31

Licensing and qualification procedures

1. Licensing and qualification procedures shall be clear, made public in advance and be such as to ensure that the applications are dealt with objectively and impartially. For greater certainty, where any licence or qualification is subject to renewal, the need to renew and the procedures for renewal shall be made public in advance.

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[1] For the purposes of this subparagraph, differential treatment that is reasonable and objective, and aims to achieve a legitimate purpose, and adoption by a Party of temporary special measures aimed at accelerating *de facto* equality between men and women, shall not be considered as discrimination.