

Annex 8-C¹

Movement of Natural Persons Supplying Services

General Principles

1. This Annex reflects the Parties' mutual desire to facilitate entry and temporary stay of natural persons in accordance with their laws and regulations and the commitments in their Schedule of Specific Commitments in this Chapter and of establishing transparent measures affecting the entry and temporary stay of natural persons covered by their respective Schedule of Specific Commitments, while recognizing the need to ensure border security and to protect the domestic labor force and permanent employment in their respective territories.

General Obligations

2. Each Party shall apply its measures related to this Annex in accordance with paragraph 1 and, in particular, shall apply those measures so as to avoid unduly nullifying or impairing the benefits accruing to the other Party or delaying trade in services under this Chapter.

Grant of Entry and Temporary Stay

3. The Parties may make commitments in respect of entry and temporary stay of natural persons. Such commitments and the conditions governing them shall be inscribed in the schedule of specific commitments referred to in Article 8.6.

4. In accordance with this Annex and subject to each Party's Schedule of Specific Commitments, a Party shall grant entry or extension of temporary stay to natural persons of the other Party to the extent provided for in those commitments made pursuant to paragraph 3, provided that those natural persons:

- (a) follow the granting Party's prescribed application procedures under its relevant laws and regulations; and
- (b) meet all relevant eligibility requirements for entry and temporary stay or extension of temporary stay.

5. Each Party shall endeavor to ensure that fees charged by its competent

¹ For greater certainty, this Annex constitutes an integral part of this Chapter.

authorities for the processing of an application for entry and temporary stay are reasonable, in that they do not unduly nullify or impair the benefits accruing to the other Party or delay trade in services under this Chapter.

6. The sole fact that a Party grants entry to a natural person of the other Party pursuant to this Chapter shall not be construed to exempt that natural person from meeting any applicable licensing or other requirements, including any mandatory codes of conduct, to practice a profession or otherwise engage in business activities.

Transparency

7. Further to Article 1.7 (Transparency), each Party shall:

- (a) provide to the other Party such information, to the extent practicable, as will enable the other Party to become acquainted with its measures relating to this Annex;
- (b) no later than one year after the date of entry into force of this Agreement, to the extent possible, prepare, publish, and make available explanatory information regarding the requirements for entry and temporary stay under this Annex including applicable laws and regulations in such a manner as will enable natural persons of the other Party specified in the Schedule of Specific Commitments to become acquainted with them; and
- (c) upon modifying or amending a measure that affects the entry and temporary stay of natural persons specified in the Schedule of Specific Commitments, ensure that such modifications or amendments are, to the extent possible, promptly published or made available in such a manner as will enable natural persons of the other Party to become acquainted with them.

8. Each Party shall establish or maintain appropriate mechanisms to respond to inquiries from interested persons regarding applications and procedures related to the entry and temporary stay of natural persons specified in the Party's Schedule of Specific Commitments.

9. Upon the request of the applicant, the Party shall endeavor to provide, without undue delay, information on the status of the application or the decision about the outcome of the application.

Cooperation

10. The Parties may discuss mutually agreed areas of cooperation to further facilitate the entry and temporary stay of natural persons of the other Party in line with their respective laws and regulations, which shall take into

consideration areas proposed by either Party during the course of negotiations or other areas as may be identified by the Parties.

Dispute Settlement

11. The relevant authorities of both Parties shall endeavor to favorably resolve any problems that may arise from the implementation and administration of this Annex through consultations.

12. If both Parties cannot reach agreement with regard to any specific issues raised from the implementation and administration of this Annex as provided for in paragraph 11, Chapter Fifteen (Dispute Settlement) shall apply to the issues.

13. A Party shall not initiate proceedings under Chapter Fifteen (Dispute Settlement) regarding a refusal to grant entry under this Annex unless:

- (a) the matter involves a pattern of practice; and
- (b) the affected natural persons have exhausted the available administrative remedies regarding the particular matter.

14. The remedies referred to in subparagraph 13(b) shall be deemed to be exhausted if a final determination in the matter has not been issued by the competent authority within one year of the institution of an administrative proceeding, and the failure to issue a determination is not attributable to delay caused by the natural person.