

## **Annex I Temporary Movement of Business Persons**

### **1. General Principles**

- (a) This Annex reflects the preferential trading relationship between the Parties, the mutual desire of the Parties to facilitate temporary entry of business persons under the list of Schedules of Specific Commitments, mode 4, and of establishing transparent criteria and procedures for temporary entry, the need to ensure border security and to protect the domestic labor force and permanent employment in their respective territories;
- (b) This Annex does not apply to measures regarding citizenship, nationality, permanent residence, or employment on a permanent basis.

### **2. Grant of Temporary Entry**

Each Party shall grant temporary entry to business persons who are otherwise qualified for entry under applicable measures relating to public health and safety and national security, in accordance with this Annex.

### **3. Immigration Measures**

This Annex shall not prevent a Party from applying measures to regulate the entry of natural persons into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to a Party under the terms of a specific commitment.<sup>4</sup>

### **4. Transparency**

Each Party shall:

- (a) no later than six months after the date of entry into force of this Supplementary Agreement, publish explanatory material regarding the

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<sup>4</sup> The sole fact of requiring a visa shall not be regarded as nullifying or impairing benefits under a specific commitment.

requirements for temporary entry under this Annex, or otherwise make it publicly available in its own territory so as to enable interested persons of the other Party to become acquainted with them; and

- (b) establish or maintain appropriate mechanisms to respond to inquiries from interested persons regarding laws and regulations relating to the temporary entry of business persons covered by this Annex.

## **5. Dispute Settlement**

For the purposes of this Annex:

- (a) In case of controversy, only Article 83 (Commission – Good Offices, Conciliation, and Mediation) of Chapter X (Dispute Settlement) of the Agreement applies only if:
  - (i) the matter involves a pattern of practice; and
  - (ii) the business person has exhausted the available administrative remedies regarding the particular matter.
- (b) The remedies referred to in paragraph (a) (ii) 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 business person.

## **6. Working Group**

- (a) The Parties hereby establish a Working Group on temporary entry of business persons under the Committee on Trade in Services comprising representatives of each Party.
- (b) The main functions of the Working Group shall be the facilitation and simplification of visa issues for temporary entry for business persons.
- (c) The Working Group shall meet once a year or otherwise agreed by the Parties.

## **7. Definitions**

For the purposes of this Annex:

**business person** means a natural person of a Party who is engaged in trade in goods, trade in services, or investment activities; and

**temporary entry** means entry into the territory of a Party by a business person of the other Party without the intent to establish permanent residence.