

ARTICLE 8

Senior Management, Boards of Directors and Entry of Personnel

1. A Party may not require that enterprises of that Party that are covered investments appoint individuals of any particular nationality to senior management positions.
2. A Party may require that a majority of the board of directors, or any committee thereof, of enterprises that are covered investments, be of a particular nationality or resident in the territory of the Party, provided that the requirement does not materially impair the ability of the investor to exercise control over its investment.
3. Subject to its laws, regulations and policies relating to the entry of non-nationals, each Party shall grant temporary entry to nationals employed by an investor of the other Party who seek to render managerial or executive services, or services that require specialized knowledge, to an investment of that investor in the territory of the Party.

ARTICLE 9

Performance Requirements

1. The Parties reaffirm their obligations under the World Trade Organisation *Agreement on Trade-Related Investment Measures* (TRIMs), the provisions of which, including any amendments made thereto from time to time that have taken effect for both Parties, are incorporated into and made part of this Agreement.
2. The Parties may not impose or enforce any of the following requirements, or enforce any commitment or undertaking, in connection with the establishment, acquisition, expansion, management, conduct or operation of an investment of an investor of a Party in its territory:
 - (a) to export a given level or percentage of goods;
 - (b) to achieve a given level or percentage of domestic content;
 - (c) to transfer technology, a production process or other proprietary knowledge to a person in its territory except when the requirement is imposed or the commitment or undertaking is enforced by a court, administrative tribunal or competition authority to remedy an alleged violation of competition laws or to act in a manner not inconsistent with other provisions of this Agreement; or
 - (d) to supply exclusively from the territory of the Party the goods it produces or the services it provides to a specific regional market or to the world market.