

- (ii) any measure maintained or adopted after the date of entry into force of this Agreement that, at the time of sale or other disposition of a government's equity interests in, or the assets of, an existing State enterprise or an existing governmental entity:
 - prohibits or imposes limitations on the ownership or control of equity interests or assets,
 - imposes nationality requirements relating to senior management or members of the board of directors;
 - (b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a);
 - (c) an amendment to a non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment), 8 (Senior Management, Boards of Directors and Entry of Personnel) and 9 (Performance Requirements).
2. For illustrative purposes only and without prejudice to paragraph 1, each Party shall, to the extent possible, set out in its Schedule to Annex 1 any existing non-conforming measure it maintains at the national level.
3. Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment), 8 (Senior Management, Boards of Directors and Entry of Personnel) and 9 (Performance Requirements) shall not apply to any measure that a Party adopts or maintains with respect to sectors, subsectors or activities, as set out in its Schedule to Annex II.
4. Article 5 (Most-Favoured-Nation Treatment) does not apply to treatment accorded by a Party pursuant to agreements set out in Annex III.
5. In respect of intellectual property rights, a Party may derogate from Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment) and 9(1)(f) (Performance Requirements) in a manner that is consistent with:
- (a) the TRIPS Agreement;
 - (b) an amendment to the TRIPS Agreement in force for both Parties; and
 - (c) a waiver to the TRIPS Agreement granted pursuant to Article IX of the WTO Agreement.
6. Articles 4 (National Treatment), 5 (Most-Favoured-Nation Treatment) and 8 (Senior Management and Board of Directors) do not apply to:
- (a) procurement by a Party or a State enterprise; or