CHAPTER 9

TEMPORARY ENTRY FOR BUSINESS PERSONS

Article 9.1: Definitions

For the purposes of this Chapter:

business person means a national 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.

Article 9.2: General Principles

Further to Article 9.3 (General Obligations), this Chapter reflects the preferential trading relationship between the Parties, the mutual objective to facilitate temporary entry for business persons on a reciprocal basis, the need to establish transparent criteria and procedures for temporary entry and the need to ensure border security and to protect the domestic labour force and permanent employment in their respective territories.

Article 9.3: General Obligations

1. Each Party shall apply its measures relating to the provisions of this Chapter in accordance with Article 9.2 (General Principles) and, in particular, shall expeditiously apply those measures so as to avoid unduly impairing or delaying trade in goods or services or conduct of investment activities under this Agreement.

2. Nothing in this Chapter shall be construed to 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 unduly impair or delay trade in goods or services or conduct of investment activities under this Agreement. The sole fact of requiring a visa or a work permit for natural persons shall not be regarded as unduly impairing or delaying trade in goods or services or conduct of investment activities under this Agreement.

Article 9.4: Working Group

1. The Parties hereby establish a Working Group on Temporary Entry for Business Persons (hereinafter referred to as "the Working Group"), which shall meet at least once

every three years or on request of the Joint Commission to consider any matter arising under this Chapter.

2. The functions of the Working Group shall include:

(a) to consider the development of measures to further facilitate temporary entry of business persons on a reciprocal basis;

(b) the identification of measures that affect the temporary entry of business persons; and

(c) the observance of the issues established under Article 9.5 (Cooperation) and Article 9.7 (Review).

Article 9.5: Cooperation

Taking into account the principles set out in Article 9.2 (General Principles), the Parties shall:

(a) share information and experiences on regulations and implementation of programmes and technology in the framework of migratory issues, including those related to the use of biometric technology, advanced passenger information systems, frequent passenger programmes and security in travel documents; and

(b) endeavour to coordinate actively in multilateral forums, in order to promote the facilitation of temporary entry of business persons.

Article 9.6: Transparency

Further to Chapter 13 (Transparency and Anti-Corruption), each Party shall establish or maintain appropriate mechanisms to respond to inquiries from interested persons regarding laws and regulations relating to the temporary entry of business persons.

Article 9.7: Review

The Parties shall consult each other with the view to negotiate the grant of temporary entry for specific categories of business persons. Such consultations shall take place five years after the entry into force of this Agreement, or as otherwise agreed by the Parties.