

## ANNEX 15.02 Nullification or Impairment

1. If any Party considers that any benefit it could have reasonably expected to accrue to it under any provision of:
  - (a) Part Two (Trade in Goods);
  - (b) Part Three (Trade Barriers); or
  - (c) Chapter Eleven (Cross-border Trade in Services);is being nullified or impaired as a result of the application of any measure that is not inconsistent with this Agreement, the Party may have recourse to dispute settlement under this Chapter.
2. With respect to any measure subject to an exception in accordance with Article 16.02 (General Exceptions), a Party may not invoke:
  - (a) paragraph 1 (a) or (b), to the extent that the benefit arises from any cross-border trade in services provisions of Part Two (Trade in Goods), or of Part Three (Trade Barriers); or
  - (b) paragraph 1 (c).
3. To determine the elements of nullification or impairment, the Parties may take into account the principles set out in the jurisprudence of paragraph 1 (b) of Article XXIII of GATT 1994.