

INVESTMENT

SCOPE, COVERAGE AND DURATION

1. This Chapter shall apply to measures affecting:
  - a) investments (of investors of a Party) in the territory of another party existing at the time of entry into force as well as to investments made or acquired thereafter; and
  - b) investors of a Party in the establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments in the territory of another Party.
  - c) all investments in the territory of any Party as provided in Article \_\_\_\_ (performance requirements).<sup>1</sup>
  
2. USA MEX[With respect to investments established prior to the date of termination of this Agreement and to which this Chapter otherwise applies, the provisions of all of this Chapter shall thereafter continue to be effective for a further period of USA[ten] MEX[three] years from such date of termination, in the territory of the Party terminating the Agreement.]
  
3. This Chapter shall not apply to:
  - MEX[a] any measure taken pursuant to a restriction expressly mandated by the Constitution of a Party.]<sup>2</sup>
  - b) USA MEX[measures covered by Chapter (Financial Services) except as provided in that chapter] CDA[financial services except as provided in the Chapter on Financial Services;]<sup>3</sup>
  - c) government procurement CDA[except as provided in the Chapter on Government Procurement;] USA[of goods and services supplied by investments in its territory controlled by nationals of a non-Party and procurement by states, provinces or political subdivisions of a Party];

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<sup>1</sup> Mexico agrees provided that Mexico may impose requirements on non-NAFTA investors to export to non-NAFTA countries.

<sup>2</sup> Mexico will supply new language for this provision.

<sup>3</sup> U.S. Note - Further coordination with financial services may be necessary.