

INVESTMENT

Article 2101: Scope and Coverage

1. This Chapter shall apply to measures of the Parties affecting:
 - a) investments of investors of a Party in the territory of another Party existing at the time of entry into force of this Agreement as well as to investments made or acquired thereafter by such investors;
 - 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; and
 - c) all investments in the territory of any Party as provided in Article 2109.¹

MEX[2. A Party (Mexico) has the right to exclusively perform the economic activities set forth in Annex I and to exclude foreign investment from such activities.]

3. This Chapter shall not apply to:
 - a) 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;]²
 - b) CDA MEX[government procurement] CDA[except as provided in the Chapter on Government Procurement]; and
 - c) CDA[as between Canada, the United States of America, and the United Mexican States, cultural industries as defined in Article 2012 of the U.S.-Canada Free Trade Agreement; notwithstanding any provision of the Agreement, Article 2005 of the Canadian-United States Trade Agreement shall continue to apply as between Canada and the United States.]
4. Nothing in this Chapter³ shall be construed to prevent a Party from providing services or functions such as public welfare services and services forming part of a statutory system of social security, public health care, public education, and public retirement plans.
5. The requirement by a Party that a service provider of another Party post a bond or other form of financial security before providing a service into its territory does not of itself make this Chapter applicable to the provision of that cross-border service. This Chapter shall apply to that Party's treatment of the posted bond or financial security.

¹ Some but not all references to Articles are corrected.

² U.S. Note - Further coordination with financial services may be necessary.

³ A generic provision may be needed to address the subject matter of this provision.