

October 1, 1992

## CORRECTIONS TO SEPTEMBER 20 INVESTMENT TEXT

### Article 1101:1 - Insert

- (c) with respect to Article 1106, all investments in the territory of the Party.

### Article 1104 - Correction

Each Party shall accord to investors of another Party and to investments of investors of another Party the better of the treatment required by Articles 1102 and 1103.

### Article 1106 - Additions

1. No Party may impose any of the following requirements, or enforce any commitment, undertaking ~~or requirement~~ in connection with the establishment...<sup>4</sup>

<sup>4</sup> The three Parties understand that the term "commitment, undertaking or requirement" does not apply to any commitment, undertaking or requirement between private parties.

### Article 1106:1(g) - Correction

- (g) to supply the goods or services it provides to a specific region or world market exclusively from investments in its territory.

or

- (g) to act...<sup>5</sup>

<sup>5</sup> The Parties understand that the term "exclusive supplier" does not mean a monopoly, but means that an investor may not be required to supply a specific region or world market from its investment in the territory of the Party as opposed to supplying such regions or markets from its investments outside that territory.

### Article 1106:2 - Corrections

A requirement that an investment use a technology to meet generally applicable health, safety or environmental standards shall not be construed to be inconsistent with paragraph 1(f). For greater certainty, Articles 1102 and 1103 apply to the requirement.

Article 1106:3 - Correction

No Party may condition the receipt or continued receipt of an advantage, in connection with an investment in its territory...

Article 1108:4 - Correction

No measure adopted by a Party consistent with its Schedule to Annex II may require an investor of another Party, by reason of its nationality, to sell or otherwise dispose of an investment existing at the time the measure becomes effective.

Article 1108:7(a) - Deletion

(a) a procurement by a Party or a state enterprise; or

Article 1109:6 - Correction and Deletion

Notwithstanding paragraph 1, a Party may restrict transfers of returns in kind ~~only~~ in circumstances where it could otherwise restrict such transfers under this Agreement.

Article 1110:1(c) - Addition

(c) in accordance with due process of law and Article 1105, (1); and

Article 1110:2 - Deletion: delete comma after "asset value".

Article 1111:1 - Correction

Nothing in Article 1102 shall be construed to prevent a Party from adopting or maintaining a measure that prescribes special formalities in connection with the establishment of investments by investors of another Party, such as a requirement that investors be residents of the Party, provided that such formalities do not impair the substance of the benefits of any of the provisions of this Chapter.

Article 1111:2 - Corrections

Notwithstanding Articles 1102 or 1103, a Party may require an investor of another Party or its investment in its territory to provide routine information ... competitive position.

Article 1138: Definitions - Corrections

enterprise means an "enterprise" as defined in Article 201, and a branch of an enterprise;

enterprise of a Party means an enterprise constituted or organized under the law of a Party and a branch in a territory of a Party;

investment means: ...

(b) an equity interest of an enterprise;

(c) a debt instrument of an enterprise;

...

investor of a Party means a Party or state enterprise thereof, or a national or an enterprise of such Party, that seeks to make, is making, or has made an investment;

investor of a non-Party means an investor other than an investor of a Party, that seeks to make, is making, or has made an investment;

...