

but “investment” does not mean:

- (k) claims to money that arise solely from
 - (i) commercial contracts for the sale of goods or services, or
 - (ii) the extension of credit in connection with a commercial transaction, such as trade financing, other than a loan covered by sub-paragraph (d); or
- (l) any other claims to money,

that do not involve the kinds of interests set out in sub-paragraphs (a) to (j);

2. “investor” means with regard to either Contracting Party:

- (a) any natural person who has the citizenship or status of permanent resident of that Contracting Party in accordance with its laws and who does not possess the citizenship of the other Contracting Party;
- (b) any enterprise as defined in paragraph 10(a) of this Article;

that seeks to make, is making or has made a covered investment¹;

3. “investment of an investor of a Contracting Party” means an investment owned or controlled directly or indirectly by an investor of such Contracting Party;

4. “covered investment” means, with respect to a Contracting Party, an investment in its territory of an investor of the other Contracting Party existing on the date of entry into force of this Agreement or an investment of an investor admitted in accordance with its laws and regulations thereafter, and which involves the commitment of capital or other resources, the expectation of gain or profit, or the assumption of risk;

5. “returns” means the amounts yielded by investments, and in particular, though not limited to, profits, capital gains, dividends, interest, royalties, returns-in-kind or other income;

6. “measure” includes any law, regulation, rule, procedure, decision, requirement, administrative action, or practice;

7. “existing measure” means a measure existing at the time this Agreement enters into force;

8. “financial service” has the same meaning as in sub-paragraph 5(a) of the Annex on Financial Services of the GATS;

¹ For greater certainty, the elements “seeks to make” and “is making” in the definition of an investor are only applicable with respect to Article 5.