

- (b) investors or prospective investors of any third state.
- (4) Decisions by either Contracting Party, pursuant to measures not inconsistent with this Agreement, as to whether or not to permit an acquisition shall not be subject to the provisions of Articles XIII or XV of this Agreement.
- (5) Decisions by either Contracting Party not to permit establishment of a new business enterprise or acquisition of an existing business enterprise or a share of such enterprise by investors or prospective investors shall not be subject to the provisions of Article XIII of this Agreement.

ARTICLE III

Most-Favoured-Nation (MFN) Treatment after Establishment and Exceptions to MFN

- (1) Each Contracting Party shall grant to investments, or returns of investors of the other Contracting Party, treatment no less favourable than that which, in like circumstances, it grants to investments or returns of investors of any third State.
- (2) Each Contracting Party shall grant investors of the other Contracting Party, as regards their management, use, enjoyment or disposal of their investments or returns, treatment no less favourable than that which, in like circumstances, it grants to investors of any third State.
- (3) Subparagraph (3)(b) of Article II and paragraphs (1) and (2) of this Article do not apply to treatment by a Contracting Party pursuant to any existing or future bilateral or multilateral agreement:
 - (a) establishing, strengthening or expanding a free trade area or customs union or an interim agreement leading to the formation of a free trade area or customs union of which either Contracting Party is or may become a member;
 - (b) negotiated within the framework of the GATT or its successor organization and liberalizing trade in services; or
 - (c) relating to:
 - (i) aviation;
 - (ii) telecommunications transport networks and telecommunications transport services;
 - (iii) fisheries;
 - (iv) maritime matters, including salvage; or
 - (v) financial services.
 - (d) relating wholly or mainly to taxation, in accordance with, and subject to, the provisions of Article XII.