

8. Articles II, III, IV and V of this Agreement and the related provisions of this Annex do not apply to:
- (a) procurement by a government or state enterprise;
 - (b) subsidies or grants provided by a government or a state enterprise, including government-supported loans, guarantees and insurance;
 - (c) any measure denying investors of the other Contracting Party and their investments any rights or preferences provided to the aboriginal peoples of either country; or
 - (d) any current or future foreign aid program to promote economic development, whether under a bilateral agreement, or pursuant to a multilateral arrangement or agreement, such as the OECD Agreement on Export Credits.
9. Investments in cultural industries are exempt from the provisions of this Agreement. "Cultural industries" means natural persons or enterprises engaged in any of the following activities:
- (a) the publication, distribution, or sale of books, magazines, periodicals or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing;
 - (b) the production, distribution, sale or exhibition of film or video recordings;
 - (c) the production, distribution, sale or exhibition of audio or video music recordings;
 - (d) the publication, distribution, sale or exhibition of music in print or machine readable form; or
 - (e) radiocommunications in which the transmissions are intended for direct reception by the general public, and all radio, television or cable broadcasting undertakings and all satellite programming and broadcast network services.
10. (a) Nothing in this Agreement shall be construed to prevent a Contracting Party from adopting, maintaining or enforcing any measure otherwise consistent with this Agreement that it considers appropriate to ensure that investment activity in its territory is undertaken in a manner sensitive to environmental concerns.
- (b) Provided that such measures are not applied in an arbitrary or unjustifiable manner, or do not constitute a disguised restriction on international trade or investment, nothing in this Agreement shall be construed to prevent a Contracting Party from adopting or maintaining measures, including environmental measures:
- (i) necessary to ensure compliance with laws and regulations that are not inconsistent with the provisions of this Agreement;
 - (ii) necessary to protect human, animal or plant life or health; or
 - (iii) relating to the conservation of living or non-living exhaustible natural resources.