

#### Article G-39: Exclusions

1. Without prejudice to the applicability or non-applicability of the dispute settlement provisions of this Section or of Chapter N (Institutional Arrangements and Dispute Settlement Procedures) to other actions taken by a Party pursuant to Article O-02 (National Security), a decision by a Party to prohibit or restrict an investment in its territory by an investor of the other Party, or its investment, pursuant to that Article shall not be subject to such provisions.
2. The dispute settlement provisions of this Section and of Chapter N (Institutional Arrangements and Dispute Settlement Procedures) shall not apply to the matters referred to in Annex G-39.2.

### Section III – Definitions

#### Article G-40: Definitions

For purposes of this Chapter:

**disputing investor** means an investor that makes a claim under Section II;

**disputing parties** means the disputing investor and the disputing Party;

**disputing Party** means a Party against which a claim is made under Section II;

**disputing party** means the disputing investor or the disputing Party;

**energy and basic petrochemical goods** refer to those goods classified under the Harmonized System as:

- (a) subheading 2612.10;
- (b) headings 27.01 through 27.06;
- (c) subheading 2707.50;
- (d) subheading 2707.99 (only with respect to solvent naphtha, rubber extender oils and carbon black feedstocks);
- (e) headings 27.08 and 27.09;
- (f) heading 27.10 (except for normal paraffin mixtures in the range of C<sub>9</sub> to C<sub>15</sub>);
- (g) heading 27.11 (except for ethylene, propylene, butylene and butadiene in purities over 50 percent);
- (h) headings 27.12 through 27.16;