

3. Nothing in this Agreement shall be construed to prevent a Contracting Party from adopting or maintaining reasonable measures for prudential reasons, such as:

- (a) the protection of depositors, financial market participants and investors<sup>9</sup>, policy-holders, policy-claimants, or persons to whom a fiduciary duty is owed by a financial institution;
- (b) the maintenance of the safety, soundness, integrity or financial responsibility of financial institutions; and
- (c) ensuring the integrity and stability of a Contracting Party's financial system.

4. Nothing in this Agreement shall apply to non-discriminatory measures of general application taken by any public entity<sup>10</sup> in pursuit of monetary and related credit policies or exchange rate policies. This paragraph shall not affect a Contracting Party's obligations under Article 12.

5. Nothing in this Agreement shall be construed:

- (a) to require a Contracting Party to furnish or allow access to any information if the Contracting Party determines that the disclosure of that information is contrary to its essential security interests;
- (b) to prevent a Contracting Party from taking any actions that it considers necessary for the protection of its essential security interests:
  - (i) relating to the traffic in arms, ammunition and implements of war and to such traffic and transactions in other goods, materials, services and technology undertaken directly or indirectly for the purpose of supplying a military or other security establishment,
  - (ii) in time of war or other emergency in international relations, or
  - (iii) relating to the implementation of national policies or international agreements respecting the non-proliferation of nuclear weapons or other nuclear explosive devices; or
- (c) to prevent a Contracting Party from taking action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

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<sup>9</sup> It is understood that the term "investors" in this provision means investors in the financial markets of a Contracting Party.

<sup>10</sup> "Public entity" means a central bank or monetary authority of a Contracting Party, or any financial institution owned or controlled by a Contracting Party.