

paragraphs 1 and 2 shall not apply to the subsequent acquisition of such business enterprise as a result of its disposition by or on behalf of Canada or a province or a Crown corporation. Once such subsequent acquisition has been completed, the provisions of paragraphs 1 and 2 shall apply.

8. Notwithstanding paragraph 1, the treatment a Party accords to investors of the other Party may be different from the treatment the Party accords its investors provided that:

- a) the difference in treatment is no greater than that necessary for prudential, fiduciary, health and safety, or consumer protection reasons;
- b) such different treatment is equivalent in effect to the treatment accorded by the Party to its investors for such reasons; and
- c) prior notification of the proposed treatment has been given in accordance with Article 1803.

9. The Party proposing or according different treatment under paragraph 8 shall have the burden of establishing that such treatment is consistent with that paragraph.

Article 1603: Performance Requirements

1. Neither Party shall impose on an investor of the other Party, as a term or condition of permitting an investment in its territory, or in connection with the regulation of the conduct or operation of a business enterprise located in its territory, a requirement to:

- a) export a given level or percentage of goods or services;
- b) substitute goods or services from the territory of such Party for imported goods or services;
- c) purchase goods or services used by the investor in the territory of such Party or from suppliers located in such territory or accord a preference to goods or services produced in such territory; or
- d) achieve a given level or percentage of domestic content.