Article 2
Scope

1. This Agreement shall apply to measures adopted or maintained by a Party that affect trade by electronic means.

2. This Agreement shall not apply:

(a) to government procurement;

(b) to a service supplied in the exercise of governmental authority; or

(c) except for Article 20, to information held or processed by or on behalf of a Party, or measures related to that information, including measures related to its collection.

Article 3
General Exceptions

1. For the purposes of all provisions other than Article 21, paragraphs (a) through (c) of Article XIV of the GATS are incorporated into and made part of this Agreement, *mutatis mutandis*.

2. For the purposes of Article 21, Article XX of the GATT 1994 and its interpretative notes are incorporated into and made part of this Agreement, *mutatis mutandis*.

Article 4
Security Exceptions

Nothing in this Agreement shall be construed to:

(a) require a Party to furnish or allow access to any information the disclosure of which it determines to be contrary to its essential security interests; or

(b) preclude a Party from applying measures that it considers necessary for the fulfilment of its obligations with respect to the maintenance or restoration of international peace or security, or the protection of its own essential security interests.

Article 5
Prudential Exception and Monetary and Exchange Rate Policy Exception

1. Notwithstanding any other provisions of this Agreement, a Party shall not be prevented from adopting or maintaining measures for prudential reasons,[3] including for the protection of investors, depositors, policy holders, or persons to whom a fiduciary duty is owed by a financial institution or financial service supplier, or to ensure the integrity and stability of the financial system. If these measures do not conform with the provisions of this Agreement, they shall not be used as a means of avoiding the Party's commitments or obligations under those provisions.

2. Nothing in this Agreement shall apply to non-discriminatory measures of general application taken by any public entity in pursuit of monetary and related credit policies or exchange rate policies.

Article 6
Taxation

1. Except as provided in this Article, nothing in this Agreement shall apply to taxation measures.

2. Nothing in this Agreement shall affect the rights and obligations of either Party under any tax convention. In the event of any inconsistency between this Agreement and any such tax convention, that convention shall prevail to the extent of the inconsistency.

3. Subject to paragraph 2:

(a) Article 8 shall apply to all taxation measures, other than those on income, on capital gains, on the taxable capital of corporations, on the value of an investment or property[4] (but not on the transfer of that investment or property), or taxes on estates, inheritances, gifts, and generation-skipping transfers; and

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[3] The Parties understand that the term "prudential reasons" includes the maintenance of the safety, soundness, integrity, or financial responsibility of individual financial institutions or financial service suppliers as well as the safety, and financial and operational integrity of payment and clearing systems.

[4] This is without prejudice to the methodology used to determine the value of such investment or property under the laws and regulations of each Party.