(ii) the extension of credit in connection with a commercial transaction, such as trade financing, other than a loan covered by subparagraph (c); nor

(j) any other claims to money,

that do not involve the kinds of interests set out in subparagraphs (a) through (h).

(2) The term "investor of a Contracting Party" means:

(a) a natural person having the nationality of that Contracting Party in accordance with its applicable laws and regulations; or

(b) an enterprise of that Contracting Party,

that seeks to make, is making or has made investments in the Area of the other Contracting Party.

Note: It is understood that an investor of a Contracting Party seeks to make investments in the Area of the other Contracting Party only when the investor has taken concrete steps necessary to make investments, such as when the investor has made an application for a permit or license which authorises the establishment of investments.

(3) An enterprise is:

(a) "owned" by an investor if more than 50 percent of the equity interest in it is owned by the investor;

(b) "controlled" by an investor if the investor has the power to name a majority of its directors or otherwise to legally direct its actions; and

(c) "affiliated" with an investor when it controls, or is controlled by, the investor; or when it and the investor are both controlled by the same investor.

(4) The term "an enterprise of a Contracting Party" means any legal person or any other entity duly constituted or organised under the applicable laws and regulations of that Contracting Party, whether or not for profit, and whether private or government owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association, organisation or company.

(5) The term "investment activities" means establishment, acquisition, expansion, operation, management, maintenance, use, enjoyment and sale or other disposal of investments.

(6) The term "financial institution" means any enterprise that is authorised to do business and regulated or supervised as a financial institution under the law of the Contracting Party in whose Area it is located.

(7) The term "Area" means:

(a) with respect to Japan: (i) the territory of Japan; and (ii) the exclusive economic zone and the continental shelf with respect to which Japan exercises sovereign rights or jurisdiction in accordance with international law; and

(b) with respect to the Republic of Peru: the mainland territory, the islands, the maritime zones, and the air space above them, over which the Republic of Peru exercises sovereignty or sovereign rights and jurisdiction, in accordance with relevant provisions of the Constitution of the Republic of Peru and international law.

Note: Nothing under this paragraph shall affect the rights and obligations of the Contracting Parties under international law.

(8) The term "the WTO Agreement" means the Marrakesh Agreement Establishing the World Trade Organisation, done at Marrakesh, April 15, 1994.

(9) The term "measure" means any measure which includes any law, regulation, rule, procedure, decision or administrative action.

Note: For greater certainty, in the case of judicial decisions, paragraphs 2 and 4 of Article 18 shall apply.