7. Articles 10.3 and 10.4 shall not apply to any measure covered by the exceptions to, or derogations from, obligations under Articles 3 and 4 of the TRIPS Agreement, as specifically provided in Articles 3 through 5 of the TRIPS Agreement.

8. Articles 10.3, 10.4 and 10.7 shall not apply to any measure that a Party adopts or maintains with respect to government procurement.

Article 10.9
Expropriation and Compensation

1. Neither Party shall expropriate or nationalize an investment in its Area of investors of the other Party or take any measure equivalent to expropriation or nationalization (hereinafter referred to as "expropriation") except:

(a) for a public purpose;

(b) in a non-discriminatory manner;

(c) upon payment of prompt, adequate and effective compensation in accordance with paragraphs 2 through 4; and

(d) in accordance with due process of law and Article 10.5.

2. The compensation shall be equivalent to the fair market value of the expropriated investment at the time when the expropriation was publicly announced or when the expropriation took place, whichever is earlier. The fair market value shall not reflect any change in value occurring because the intended expropriation had become publicly known earlier.

3. The compensation shall be paid without delay and shall include interest at a commercially reasonable rate, taking into account the length of time until the time of payment. It shall be effectively realizable and freely transferable, and shall be freely convertible into the currency of the Party of the investors concerned and into freely usable currencies at the market exchange rate prevailing on the date of expropriation.

4. Without prejudice to the provisions of Article 10.13, the investors affected by expropriation shall have a right of access to the courts or administrative agencies of the Party making the expropriation to seek a prompt review of the investors' case and the amount of compensation in accordance with the principles set out in this Article.

5. This Article shall apply to taxation measures, to the extent that such taxation measures constitute expropriation.

6. This Article shall be interpreted in accordance with Annex 10.

Article 10.10
Protection from Strife

1. Each Party shall accord to investors of the other Party that have suffered loss or damage related to their investments in the Area of the former Party due to armed conflict or a state of emergency such as revolution, insurrection, civil disturbance or any other similar event in the Area of that former Party, treatment, as regards restitution, indemnification, compensation or any other settlement, that is no less favorable than the treatment it accords to its own investors or to investors of a non-Party, whichever is more favorable to the investors of the other Party.

2. Any payment as a means of settlement referred to in paragraph 1 shall be effectively realizable, freely transferable and freely convertible at the market exchange rate into the currency of the Party of the investors concerned and freely usable currencies.

3. Notwithstanding the provisions of Article 1.10, neither Party shall be relieved of its obligation under paragraph 1 by reason of its measures taken in accordance with that Article.