SECTION B

Investment liberalisation

ARTICLE 8.6

Scope

1. This Section applies to measures by a Party with regard to the establishment or operation of economic activities by:

(a) entrepreneurs of the other Party;

(b) covered enterprises; and

(c) for the purposes of Article 8.11, any enterprise in the territory of the Party adopting or maintaining the measure.

2. This Section does not apply to:

(a) cabotage in maritime transport services[1];

(b) air services or related services in support of air services[2], other than the following:

(i) aircraft repair and maintenance services during which an aircraft is withdrawn from service;

[1] For the European Union, without prejudice to the scope of activities which may be considered as cabotage under the relevant national legislation, national cabotage in maritime transport services under this Section covers transportation of passengers or goods between a port or point located in a Member State of the European Union and another port or point located in that same Member State of the European Union, including on its continental shelf, as provided for in the United Nations Convention on the Law of the Sea and traffic originating and terminating in the same port or point located in a Member State of the European Union.

[2] For greater certainty, this Section does not apply to a service using an aircraft whose primary purpose is not the transportation of goods or passengers, such as aerial fire-fighting, flight training, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, helicopter-lift for logging and construction, and other airborne agricultural, industrial and inspection services.