A decision by a competent authority, including a foreign investment authority, of a Party[3, 4] on whether or not to approve or admit a foreign

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[3] For the purposes of this Article, "a competent authority, including a foreign investment authority" means, as of the date of entry into force of this Agreement:

(a) for Australia, the Treasurer of the Commonwealth of Australia under Australia's Foreign Investment Framework including the *Foreign Acquisitions and Takeovers Act 1975* (Commonwealth), and any amendments thereto;

(b) for Cambodia, the Council for the Development of Cambodia designated under the following laws and regulations, and any amendments thereto:

(i) *Royal Kram No. 03/NS/94* dated 5 August 1994 promulgating *Law on Investment of the Kingdom of Cambodia*;

(ii) *Royal Kram No. NS/RKM/0303/009* dated 24 March 2003 promulgating *Law on the Amendment of the Law on Investment of the Kingdom of Cambodia*;

(iii) *Sub-Decree No. 88/ANK/BK* dated 29 December 1997 on the *Implementation of the Law on Investment of the Kingdom of Cambodia*;

(iv) *Sub-Decree No. 111 ANK/BK* dated 27 September 2005 on the *Implementation of the Law on the Amendment of the Law on Investment of the Kingdom of Cambodia*; and

(v) *Sub-Decree No. 148.ANK.BK* dated 29 December 2005 on *the Establishment and Management of Special Economic Zones*;

(c) for China, the authorities responsible for granting approval of foreign investment for sectors requiring governmental approval under the relevant laws and regulations including *Foreign Investment Law of the People's Republic of China* (Adopted on 15 March 2019), and any amendments thereto;

(d) for Indonesia, a competent authority including a foreign investment authority designated under the *Law Number 25 Year 2007 on Investment* and other relevant laws, regulations, and policies, as may be amended;

(e) for Korea, the competent authorities as listed in the *Foreign Investment Promotion Act* (*Law No. 16479, 20 August 2019),* the *Enforcement Decree of the Foreign Investment Promotion Act (Presidential Decree No. 29172, 18 September 2018*), the *Regulations on Foreign Investment* (*Notice of the Ministry of Trade, Industry, and Energy, No. 2018-137, 6 July 2018*), the *Consolidated Public Notice for Foreign Investment* (*No. 2018-191, 27 February 2018, Ministry of Trade, Industry, and Energy*), and the *Act on Prevention of Divulgence and Protection of Industrial Technology* (*Law No. 16476, 20 August 2019*), and any amendments thereto;

(f) for Lao PDR, the Ministry of Planning and Investment under the *Law on Investment Promotion* (*Law No. 14,* dated 17 November 2016), and any amendments thereto, and the Ministry of Industry and Commerce under the *Law on Enterprise* (*Law No. 46,* dated 26 December 2013), and any amendments thereto;

(g) for Malaysia, the Ministers performing functions and exercising powers under, but not limited to, the *Promotion of Investments Act 1986 [Act 327]*, *the Income Tax Act 1967 [Act 53]*, the *Petroleum Development Act 1974 [Act 144],* and the *Industrial Co-ordination Act 1975 [Act 156]*, and any amendments thereto;

(h) for Myanmar, the Myanmar Investment Commission and Region/State Investment Committees under the *Myanmar Investment Law,* the *Pyidaungsu Hluttaw Law No. 40/2016* dated 18 October 2016 and the *Myanmar Investment Rules, Notification No. 35/2017* of the Ministry of Planning and Finance of the Government of the Republic of the Union of Myanmar dated 30 March 2017, and committees under the *Myanmar Special Economic Zone Law*, the *Pyidaungsu Hluttaw Law No. 1/2014* dated 23 January 2014 and the *Industrial Zone Law*, the *Pyidaungsu Hluttaw Law No.7/2020* dated 26 May 2020, and any amendments thereto;

(i) for New Zealand, the decision-making Ministers authorised under New Zealand's overseas investment framework including the *Overseas Investment Act 2005* and the *Fisheries Act 1996*, and any amendments thereto;

(j) for Thailand, the competent authorities responsible under its laws and regulations, as may be amended, for the sectors or activities where foreign investment is proposed or approved; and

(k) for Viet Nam, the competent authority as defined in the *Law on Investment* and other relevant laws and regulations such as *Law on Securities*, *Law on Credit Institutions*, *Law on Insurance Business,* and *Law on Oil and Gas*, as may be amended.

If a Party establishes a competent authority, including a foreign investment authority after the date of entry into force of this Agreement, this Article shall also apply to such competent authority.

[4] For the purposes of this Article, "a decision by a competent authority, including a foreign investment authority" means:

(a) for Japan, a decision under the *Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949),* as may be amended, regarding an investment that requires prior notification under that law, including an order to alter the content of investment or discontinue the investment process; and

(b) for the Philippines, the decision by the Securities and Exchange Commission under *Republic Act No. 11232*, otherwise known as the *Revised Corporation Code of the Philippines*; the National Security Council under *Executive Order No. 292*, otherwise known as the *Administrative Code of 1987*, as amended; the Board of Investments under *Executive Order No. 226*, otherwise known as the *Omnibus Investments Code of 1987*, as amended; and the relevant agencies of the Philippine Government vested with jurisdiction and mandate to regulate specific sectors or activities under *Republic Act No. 7042*, otherwise known as the *Foreign Investments Act of 1991*, as amended; and any amendments thereto.