

[Cursory Translation]
MAINLAND AND MACAO
CLOSER ECONOMIC PARTNERSHIP ARRANGEMENT (CEPA)
Investment Agreement
Mediation Mechanism for Investment Disputes
Proof of Qualified Investor

1. In the case of an application to resolve an investment dispute through the Mediation Mechanism under the Investment Agreement under CEPA, a Macao investor/service supplier is required to provide a Macao Investor Certificate or Macao Service Supplier Certificate only under the circumstances that the dispute arises from an investment made or a service provided through the liberalisation measure(s) that is/are granted by the Mainland exclusively to Macao. In particular, a qualified investor shall submit the following proof in accordance with paragraph 2 of Article 1, paragraphs 2, 4 and 5 of Article 2, paragraph 4 of Article 9, and Article 26 of, as well as Articles 1 and 2 of Annex 1 to, the Investment Agreement under CEPA:
 - 1.1. proof establishing that the investor is the government of one side;
 - 1.2. proof establishing that the investor is a Chinese citizen or a Macao permanent resident; or
 - 1.3. proof establishing that the investor is a Mainland enterprise or a Macao enterprise.

2. For the purpose of sub-paragraph 1.3 above, if a Macao enterprise:
 - 2.1. is investing in the Mainland in the form of non-commercial presence, that investor, in accordance with paragraph 5 of Article 2 of the Investment Agreement under CEPA, should be an entity, or a branch of an entity, constituted or organised under the laws of Macao. Thus that investor shall submit proof of its constitution or organisation under the laws of Macao, or

proof of being a branch of an entity constituted or organised under the laws of Macao;

- 2.2. is investing in the Mainland in the form of commercial presence, and if the dispute is only related to an investment or a service that requires a Macao Investor Certificate or Macao Service Supplier Certificate for it to be made or provided in the Mainland as required by the Investment Agreement and Agreement on Trade in Services under CEPA, that investor shall submit the Macao Investor Certificate or Macao Service Supplier Certificate; for circumstances other than the abovementioned, the investor investing in the Mainland in the form of commercial presence shall submit proof of its constitution or organisation under the laws of Macao, or proof of being a branch of an entity constituted or organised under the laws of Macao.
3. For the purpose of sub-paragraph 1.3 above, a Mainland enterprise shall submit proof of its constitution or organisation under the laws of the Mainland, or proof of being a branch of an entity constituted or organised under the laws of the Mainland.