

- (d) the investor may not make a claim if more than three years have elapsed from the date on which the enterprise first acquired, or should have first acquired, knowledge of the alleged breach and knowledge that it has incurred loss or damage.
2. Notwithstanding paragraph (1)(a) above, where a disputing Contracting Party has deprived a disputing investor of control of an enterprise, the following shall not be required:
- (a) a consent to arbitration by the enterprise under paragraph (1)(b) above; and
 - (b) a waiver from the enterprise under paragraph (1)(c) above.