

- (ii) revision or annulment proceedings have been completed, and
  - (b) in the case of a final award under the Additional Facility Rules of ICSID or the UNCITRAL Arbitration Rules:
    - (i) 3 months have elapsed from the date the award was rendered and no disputing party has commenced a proceeding to revise, set aside or annul the award, or
    - (ii) a court has dismissed or allowed an application to revise, set aside or annul the award and there is no further appeal.
5. Each Party undertakes to provide for the enforcement in its territory of an award.
6. If a Party fails to abide by or comply with the terms of a final award under this Subchapter, the Commission provided for in Chapter Twenty (Institutional Arrangements and Dispute Settlement Procedures) shall, upon delivery of a request by any other Party whose investor was party to the investment dispute, establish a panel under Article 2008(1). The requesting Party may seek in such proceedings:
- (a) a determination that the failure to abide by and comply with the terms of the final award is inconsistent with the obligations of this Agreement; and
  - (b) a recommendation that the defaulting Party abide by or comply with the terms of the final award.
7. A disputing investor may seek enforcement of an arbitration award under the ICSID Convention, the New York Convention or the Inter-American Convention regardless of whether proceedings have been taken under paragraph 6.
8. A claim that is submitted to arbitration shall be considered to arise out of a commercial relationship or transaction for purposes of Article I of the New York Convention and Article I of the Inter-American Convention.

#### **Article 1136: General**

1. **Time when a Claim is Submitted to Arbitration:** A claim is submitted to arbitration under this Subchapter when: