

## Annex G-21.1

### Submission of a Claim to Arbitration

#### Chile

1. With respect to the submission of a claim to arbitration:
  - (a) an investor of Canada may not allege that Chile has breached an obligation under:
    - (i) Section I or Article J-03(2) (State Enterprises), or
    - (ii) Article J-02(3)(a) (Monopolies and State Enterprises) where the monopoly has acted in a manner inconsistent with Chile's obligations under Section I,both in an arbitration under Section II and in proceedings before a Chilean court or administrative tribunal; and
  - (b) where an enterprise of Chile that is a juridical person that an investor of Canada owns or controls directly or indirectly alleges in proceedings before a Chilean court or administrative tribunal that Chile has breached an obligation under:
    - (i) Section I or Article J-03(2) (State Enterprises), or
    - (ii) Article J-02(3)(a) (Monopolies and State Enterprises) where the monopoly has acted in a manner inconsistent with Chile's obligations under Section I,the investor may not allege the breach in an arbitration under Section II.
2. For greater certainty, if an investor of Canada or an enterprise of Chile that is a juridical person that an investor of Canada owns or controls directly or indirectly makes an allegation referred to in paragraph 1(a) or (b) before a Chilean court or administrative tribunal, the selection of the Chilean court or administrative tribunal shall be final and such investor or enterprise may not thereafter allege the breach in an arbitration under Section II.