

2. An investor of a Party, on behalf of an enterprise of the other Party that is a juridical person that the investor owns or controls directly or indirectly, may submit to arbitration under this Section a claim that:

- (a) the other Party has breached an obligation under Section B (Substantive Obligations), other than an obligation under paragraph 3 of Article 8 (Senior Management, Boards of Directors and Entry of Personnel), Article 12 (Transparency), 14 (Corporate Social Responsibility) or 15 (Health, Safety and Environmental Measures); and
- (b) the enterprise has incurred loss or damage by reason of, or arising out of, that breach.

ARTICLE 21

Conditions Precedent to Submission of a Claim to Arbitration

1. The disputing parties shall hold consultations in an attempt to settle a claim amicably before a disputing investor may submit a claim to arbitration. Consultations shall be held within 30 days of the submission of the notice of intent to submit a claim to arbitration under subparagraph 2(c), unless the disputing parties otherwise agree. The place of consultation shall be the capital of the disputing Party, unless the disputing parties otherwise agree.

2. A disputing investor may submit a claim to arbitration under Article 20 (Claims by an Investor of a Party on Its Own Behalf or on Behalf of an Enterprise) only if:

- (a) the disputing investor and, where a claim is made under paragraph 2 of Article 20 (Claims by an Investor of a Party on Its Own Behalf or on Behalf of an Enterprise), the enterprise, consent to arbitration in accordance with the procedures set out in this Agreement;
- (b) at least six months have elapsed since the events giving rise to the claim;
- (c) the disputing investor has delivered to the disputing Party a written notice of its intent to submit a claim to arbitration (Notice of Intent) at least 90 days prior to submitting the claim. The Notice of Intent shall specify:
 - (i) the name and address of the disputing investor and, where a claim is made under paragraph 2 of Article 20 (Claims by an Investor of a Party on Its Own Behalf or on Behalf of an Enterprise), the name and address of the enterprise;
 - (ii) the provisions of this Agreement alleged to have been breached and any other relevant provisions;