

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, unless the disputing parties otherwise agree. The place of consultation shall be the capital of the disputing Contracting 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, 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 Contracting Party written notice of its intent to submit a claim to arbitration at least 90 days prior to submitting the claim, which notice shall specify:
 - (1) the name and address of the disputing investor and, where a claim is made under paragraph 2 of Article 20, the name and address of the enterprise;
 - (2) the provisions of this Agreement alleged to have been breached and any other relevant provisions;
 - (3) the issues and the factual basis for the claim, including the measures at issue; and
 - (4) the relief sought and the approximate amount of damages claimed;
 - (d) the disputing investor has delivered evidence establishing that it is an investor of the other Party with its Notice of Intent to Submit a Claim to Arbitration under subparagraph 2(c);
- and
- (e) in the case of a claim submitted under paragraph 1 of Article 20:
 - (1) not more than three years have elapsed from the date on which the disputing investor first acquired, or should have first acquired, knowledge of the alleged breach and knowledge that the disputing investor has incurred loss or damage thereby; and