

4. This Article shall be without prejudice to the Tribunal's authority to address questions pertaining to its competence in the course of proceedings, or to the right of the disputing Party to make any objection as to the Tribunal's competence, including an objection to jurisdiction, or any argument on the merits merely because the disputing Party did or did not raise an objection under paragraph 1.

5. The provisions on costs in Article G-36, including costs of the proceedings and costs of legal representation and assistance, shall apply to decisions or awards issued under this Article.

#### **Article G-31: Place of Arbitration**

Unless the disputing parties agree otherwise, a Tribunal shall hold an arbitration in the territory of a Party that is a party to the New York Convention, selected in accordance with:

- (a) the ICSID Additional Facility Rules if the arbitration is under those Rules or the ICSID Convention; or
- (b) the UNCITRAL Arbitration Rules if the arbitration is under those Rules.

#### **Article G-32: Governing Law**

1. A Tribunal established under this Section shall decide the issues in dispute in accordance with this Agreement and applicable rules of international law.

2. An interpretation by the Commission of a provision of this Agreement shall be binding on a Tribunal established under this Section.

3. For greater certainty, if an investor of a Party submits a claim under this Section, including a claim alleging that a Party breached Article G-05, the investor has the burden of proving all elements of its claims, consistent with general principles of international law applicable to international arbitration.

#### **Article G-33: Interpretation of Annexes**

1. If a disputing Party asserts as a defense that the measure alleged to be a breach is within the scope of a reservation or exception set out in Annex I, Annex II or Annex III, on request of the disputing Party, the Tribunal shall request the interpretation of the Commission on the issue. The Commission, within 60 days of delivery of the request, shall submit in writing its interpretation to the Tribunal.

2. Further to Article G-32(2), a Commission interpretation submitted under paragraph 1 shall be binding on the Tribunal. If the Commission fails to submit an interpretation within 60 days, the Tribunal shall decide the issue.