

ARTICLE 20

Claim by an Investor of a Party on Its Own Behalf or on Behalf of an Enterprise

1. An investor of a Party may submit to arbitration under this Section a claim that:
 - (a) the respondent Party has breached an obligation under Section B (Substantive Obligations), other than an obligation under Articles 8(3) (Senior Management, Boards of Directors and Entry of Personnel), 12 (Transparency), 15 (Health, Safety and Environmental Measures); and
 - (b) the investor has incurred loss or damage by reason of, or arising out of, that breach.

2. An investor of a Party, on behalf of an enterprise of the respondent 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 respondent Party has breached an obligation under Section B (Substantive Obligations), other than an obligation under Articles 8(3) (Senior Management, Boards of Directors and Entry of Personnel), 12 (Transparency), 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 and attempt to settle a claim amicably before an investor may submit a claim to arbitration. Unless the disputing parties agree to a longer period, consultations shall be held within 60 days of the submission of the notice of intent to submit a claim to arbitration under subparagraph 2(c). The place of consultation would be Hong Kong, if the Hong Kong Special Administrative Region is the respondent Party, and Ottawa, if Canada is the respondent Party, unless the disputing parties otherwise agree.