

- (e) the investor has waived its right to initiate or continue dispute settlement proceedings under any agreement between a third State and the disputing Contracting Party in relation to the measure alleged to be a breach of an obligation under Part B of this Agreement; and
- (f) not more than three years have elapsed from the date on which the investor first acquired, or should have first acquired, knowledge of the alleged breach and knowledge that the investor or a covered investment of the investor has incurred loss or damage thereby.

ARTICLE 22

Submission of a Claim to Arbitration

1. A disputing investor who meets the conditions precedent provided for in Article 21 may submit the claim to arbitration under:

- (a) the ICSID Convention, provided that both Contracting Parties are parties to that Convention;
- (b) the Additional Facility Rules of ICSID, provided that one Contracting Party, but not both, is a party to the ICSID Convention; or
- (c) the UNCITRAL Arbitration Rules,

as supplemented or modified by the rules set out in this Agreement or adopted by the Contracting Parties.

2. A claim is submitted to arbitration under this Part when:

- (a) the request for arbitration under Article 36(1) of the ICSID Convention is received by the Secretary General;
- (b) the notice of arbitration under Article 2 of Schedule C of the ICSID Additional Facility Rules is received by the Secretary General; or
- (c) the notice of arbitration given under the UNCITRAL Arbitration Rules is received by the disputing Contracting Party.

3. Delivery of notice and other documents to a Contracting Party shall be made to the place named for that Contracting Party below:

- (a) for Canada: Office of the Deputy Attorney General of Canada, Justice Building, 239 Wellington Street, Ottawa, Ontario, K1A 0H8;
- (b) for China: Department of Treaty and Law, Ministry of Commerce of the People's Republic of China.