

ANNEX II

SPECIFIC RULES RE ARTICLE XII

Settlement of Disputes between an Investor and the Host Contracting Party

I. Prudential Measures:

1. Where an investor submits a claim to arbitration under Article XII, and the disputing Contracting Party invokes Article III(3) or V(4) of Annex I, the tribunal established pursuant to Article XII shall, at the request of that Contracting Party, seek a report in writing from the Contracting Parties on the issue of whether and to what extent the said paragraphs are a valid defence to the claim of the investor. The tribunal may not proceed pending receipt of a report under this Article.
2. Pursuant to a request received in accordance with Paragraph 1, the Contracting Parties shall proceed in accordance with Article XIII to prepare a written report, either on the basis of agreement following consultations, or by means of an arbitral panel. The consultations shall be between the financial services authorities of the Contracting Parties. The report shall be transmitted to the tribunal, and shall be binding on the tribunal.
3. Where, within 70 days of the referral by the tribunal, no request for the establishment of a panel pursuant to Paragraph 2 has been made and no report has been received by the tribunal, the tribunal may proceed to decide the matter.
4. Panels for disputes on prudential issues and other financial matters shall have the necessary expertise relevant to the specific financial service in dispute.

II. Taxation Measures:

1. An investor may submit a claim relating to taxation measures covered by this Agreement to arbitration under Article XII only if the taxation authorities of the Contracting Parties fail to reach the joint determinations specified in Article VIII(3) or XI(2) within six months of being notified in accordance with the relevant Article.
2. The taxation authorities referred to in Articles VIII(3) and XI(2) shall be the following until notice in writing to the contrary is provided to the other Contracting Party:

for Canada:

the Assistant Deputy Minister, Tax Policy, of the Department of Finance Canada;

for Uruguay:

the Minister of Economy and Finance.