

Article G-18: Claim by an Investor of a Party on Behalf of an Enterprise

1. An investor of a Party, on behalf of an enterprise of the other 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 the other Party has breached an obligation under:

- (a) Section I, other than Article G-14 or G-14 *bis*, or Article J-03(2) (State Enterprises); or
- (b) Article J-02(3)(a) (Monopolies and State Enterprises) where the monopoly has acted in a manner inconsistent with the Party's obligations under Section I, other than Article G-14 or Article G-14 *bis*,

and that the enterprise has incurred loss or damage by reason of, or arising out of, that breach.

2. If an investor makes a claim under this Article and the investor or a non-controlling investor in the enterprise makes a claim under Article G-17 arising out of the same events that gave rise to the claim under this Article, and two or more of the claims are submitted to arbitration under Article G-21, the claims should be heard together by a Tribunal established under Article G-27, unless the Tribunal finds that the interests of a disputing party would be prejudiced thereby.

3. An investment may not make a claim under this Section.

Article G-19: Request for Consultations

1. A dispute should, as far as possible, be settled amicably. A settlement may be agreed at any time, including after the claim has been submitted pursuant to Article G-21. Unless otherwise agreed to a longer period, consultations shall be held within 60 days of the submission of the request for consultations pursuant to paragraph 4 of this article.

2. A request for consultations must be submitted within three years from the date on which the investor or, as applicable, the enterprise referred to in Article G-18(1), first acquired or should have first acquired knowledge of the alleged breach and knowledge that the investor or, as applicable, the enterprise referred to in Article G-18(1), has incurred loss or damage.

3. Unless otherwise agreed, the place of consultation shall be:

- (a) Ottawa, if the measures challenged are measures of Canada; or
- (b) Santiago, if the measures challenged are measures of Chile.

4. The investor seeking consultations shall deliver to the relevant Party a written request for consultations which shall specify:

- (a) the name and address of the investor and, where a claim is made under Article G-18, the name and address of the enterprise;