

## **Annex 10-E**

### **Submission of a Claim to Arbitration**

#### **Chile**

1. An investor of the United States may not submit to arbitration under Section B:

(a) a claim that Chile has breached an obligation under Section A or Annex 10-F either:

(i) on its own behalf under Article 10.15(1)(a), or

(ii) on behalf of an enterprise of Chile that is a juridical person that the investor owns or controls directly or indirectly under Article 10.15(1)(b),

if the investor or the enterprise, respectively, has alleged that breach of an obligation under Section A or Annex 10-F in proceedings before a court or administrative tribunal of Chile; or

(b) a claim that Chile has breached an investment agreement or investment authorization either:

(i) on its own behalf under Article 10.15(1)(a), or

(ii) on behalf of an enterprise of Chile that is a juridical person that the investor owns or controls directly or indirectly under Article 10.15(1)(b),

if the investor or the enterprise, respectively, has alleged that breach of an investment agreement or investment authorization in proceedings before a court or administrative tribunal of Chile.

2. For greater certainty, if an investor of the United States elects to submit a claim of the type described in this Annex to a court or administrative tribunal of Chile, that election shall be definitive and the investor may not thereafter submit the claim to arbitration under Section B.