

## **ANNEX 8-F**

### **SUBMISSION OF A CLAIM TO ARBITRATION**

1. An investor of a Party may not submit to arbitration under Section B a claim that Peru has breached an obligation under Section A either:

- (a) on its own behalf under Article 8.20.1(a); or
- (b) on behalf of an enterprise of Peru that is a juridical person that the investor owns or controls directly or indirectly under 8.20.1(b),

if the investor or the enterprise, respectively, has alleged that breach of an obligation under Section A in proceedings before a court or administrative tribunal of Peru.

2. For greater certainty, if an investor of a Party elects to submit a claim of the type described in paragraph 1 to a court or administrative tribunal of Peru, that election shall be definitive and exclusive, and the investor may not thereafter submit the claim to arbitration under Section B.