

## **Annex II**

### **SEPARATE WRITTEN AGREEMENT**

The procedural requirements for the issuance of the separate written agreement are as follows:

- (a) The disputing investor shall submit to the disputing Party a written notice of intent to conciliate, arbitrate, or request for consultations with an undertaking to meet in good faith with the disputing Party to reach an amicable settlement.
- (b) Upon termination of the consultation process within the period specified in Article 14 (Settlement of Investment Disputes) and in the event the disputing parties have not reached an amicable settlement, the disputing parties shall jointly execute a separate written agreement that recites in detail, inter alia, the issues which will be raised to the arbitral tribunal, admissions and stipulation of facts, the general nature of the claim, an indication of the amount involved, if any, the relief or remedy sought, and such other matters as may aid in the prompt disposition of the claim or dispute.
- (c) The separate written agreement shall not be deemed a waiver by the disputing Party of its right to object or challenge any issue that may be raised at any stage of the proceedings.