

ANNEX 10-C

SUBMISSION OF A CLAIM TO ARBITRATION

Korea

1. Notwithstanding Article 10.22.2, an investor of New Zealand shall not submit to arbitration under Section B a claim that Korea has breached an obligation under Section A, if the investor has alleged that breach of an obligation under Section A in any proceedings before a court or administrative tribunal of Korea.

2. For greater certainty, where an investor of New Zealand makes an allegation that Korea has breached an obligation under Section A before a court or administrative tribunal of Korea, that election shall be final, and the investor shall not thereafter allege that breach in an arbitration under Section B.