

Non-justiciability of Security Exceptions (Annex 5)

1. The Parties confirm the following understanding with respect to the interpretation and/or implementation of Chapter 6 on Investment of the India-Singapore Comprehensive Economic Cooperation Agreement (the “Agreement”):

- (a) in respect of disputes submitted to arbitration pursuant to paragraph 3(b) and/or paragraph 3(c) of Article 6.21 of the Agreement, where the disputing Party asserts as a defence that the measure alleged to be a breach is within the scope of a security exception as set out in Article 6.12 of the Agreement, any decision of the disputing Party taken on such security considerations shall be non-justiciable in that it shall not be open to any arbitral tribunal to review the merits of any such decision, even where the arbitral proceedings concern an assessment of any claim for damages and/or compensation, or an adjudication of any other issues referred to the tribunal.
- (b) For the avoidance of doubt, paragraph 3(b) and/or paragraph 3(c) of Article 6.21 of the Agreement shall be applicable in proceedings for damages and/or compensation for a breach of a security exception as set out in Article 6.12 of the Agreement.