

**PERMANENT COURT OF ARBITRATION**

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**PCA PRESS RELEASE**

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**RESOLUTE FOREST PRODUCTS, INC. V. GOVERNMENT OF CANADA**

**THE HAGUE, MAY 8, 2017**

**Notification to Non-Disputing Parties and potential *Amici Curiae***

Following the submission of the Claimant's Rejoinder Memorial on Jurisdiction on May 3, 2017, the Tribunal in *Resolute Forest Products Inc., v. Government of Canada* invites *Amici* and Non-Disputing Party Submissions to be filed by **May 31, 2017**, in accordance with paragraph 2.1 of Procedural Order No. 5 dated December 12, 2016.

The Tribunal notes that the Disputing Parties are currently reviewing the Claimant's Rejoinder Memorial on Jurisdiction for confidential information and a public version of this pleading will be published on the PCA website as soon as possible. Further details in relation to this case can be found at: <https://pcacases.com/web/view/142>.

The Tribunal recalls the Statement of the Free Trade Commission on non-disputing party participation and notes that any *amicus* application and accompanying non-disputing party submission should comply with the following guidelines:

1. Any non-disputing party that is a person of a NAFTA Party, or that has a significant presence in the territory of a NAFTA Party, that wishes to file a written submission with the Tribunal will apply for leave from the Tribunal to file such a submission and attach its submission to the application.
2. An application for leave to file a non-disputing party submission made by a potential *amicus* will:
  - a. be made in writing, dated and signed by the person filing the application, and include the address and other contact details of the applicant;
  - b. be no longer than 5 typed pages;
  - c. describe the applicant, including, where relevant, its membership and legal status (e.g., company, trade association or other non-governmental organization), its general objectives, the nature of its activities, and any parent organization (including any organization that directly or indirectly controls the applicant);
  - d. disclose whether or not the applicant has any affiliation, direct or indirect, with any disputing party;
  - e. identify any government, person or organization that has provided any financial or other assistance in preparing the submission;
  - f. specify the nature of the interest that the applicant has in the arbitration;
  - g. identify the specific issues of fact or law in the arbitration that the applicant has addressed in its written submission;

- h. explain, by reference to the factors specified in paragraph 6 of the Statement of the Free Trade Commission on non-disputing party participation, why the Tribunal should accept the submission; and
  - i. be made in a language of the arbitration.
  
- 3. The submission filed by a non-disputing party will:
  - a. be dated and signed by the person filing the submission;
  - b. be concise, and in no case longer than 20 typed pages, including any appendices;
  - c. set out a precise statement supporting the applicant's position on the issues; and
  - d. only address matters within the scope of the dispute.
  
- 4. All *amicus* and Non-Disputing Party applications and submissions should be sent by **May 31, 2017** to [bureau@pca-cpa.org](mailto:bureau@pca-cpa.org) (with a copy to [jlevine@pca-cpa.org](mailto:jlevine@pca-cpa.org)).

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## **Background**

Pursuant to Article 1120 of NAFTA and the 1976 UNCITRAL Arbitration Rules, through a Notice of Arbitration dated December 30, 2015, Resolute Forest Products Inc., on its own behalf and on behalf of its subsidiary, Resolute FP Canada Inc., instituted arbitral proceedings against the Government of Canada. The Tribunal is composed of Judge James R. Crawford AC (President); Dean Ronald A. Cass and Dean Céline Lévesque. The Permanent Court of Arbitration acts as Registry in this arbitration.

Further information about the case is available on the PCA's website at:  
<https://pcacases.com/web/view/142>

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