

**PRESS RELEASE****TENNANT ENERGY, LLC V. GOVERNMENT OF CANADA**

THE HAGUE, 23 JUNE 2021

Notification to Potential *Amici Curiae*

In accordance with Section 11 of Procedural Order No. 1 dated 24 June 2019, paragraph 39(a) of Procedural Order No. 9 dated 10 March 2021, Annex I of Procedural Order No. 10 dated 15 April 2021, and Annex I of Procedural Order No. 11 dated 1 May 2021, the Tribunal in *Tennant Energy, LLC v. Government of Canada* invites *amicus curiae* applications/submissions on the two jurisdictional objections to be addressed in this preliminary phase of proceedings. Any such *amicus curiae* applications/submissions are to be filed by **20 August 2021**.

The Tribunal notes that the Claimant's Memorial on Jurisdiction, Merits and Quantum was filed on 7 August 2020, the Respondent's Memorial on Jurisdiction was filed on 21 September 2020, the Claimant's Counter-Memorial on Jurisdiction was filed on 1 March 2021, and the Respondent's Rejoinder Memorial on Jurisdiction was filed on 26 May 2021.

The Tribunal further notes that the public versions of the above-mentioned procedural orders, the Parties' respective Memorials on Jurisdiction, and the Claimant's Counter-Memorial on Jurisdiction are available on the PCA website. The disputing Parties are currently reviewing the Respondent'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://pca-cpa.org/en/cases/202/>

The Tribunal recalls the Statement of the NAFTA Free Trade Commission on Non-Disputing party Participation and notes that any *amicus curiae* application and accompanying 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 (the "applicant") 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 curiae* applications/submissions should be sent by **20 August 2021** to bureau@pca-cpa.org (with a copy to dpyrikova@pca-cpa.org).

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Background on the Permanent Court of Arbitration

The Permanent Court of Arbitration is an intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 121 Contracting Parties. Headquartered at the Peace Palace in The Hague, the Netherlands, the PCA facilitates arbitration, conciliation, fact-finding, and other dispute resolution proceedings among various combinations of States, State entities, intergovernmental organizations, and private parties. The PCA's International Bureau is currently administering four interstate disputes, 84 investor-State arbitrations, and 46 cases arising under contracts involving a State or other public entity. More information about the PCA can be found at www.pca-cpa.org.

Contact: Permanent Court of Arbitration
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