

**PRESS RELEASE****PCA CASE NO. 2018-54****TENNANT ENERGY, LLC V. GOVERNMENT OF CANADA**

THE HAGUE, 9 NOVEMBER 2021

**Public Hearing from 15-19 November 2021**

In the arbitration between Tennant Energy, LLC and the Government of Canada, a hearing on jurisdiction will be held by videoconference from 15 to 19 November 2021. The arbitral proceedings are being conducted pursuant to Chapter Eleven of the North American Free Trade Agreement (NAFTA). The Permanent Court of Arbitration acts as registry in this arbitration.

On 15 November 2021, the Tribunal will hear the Parties' opening statements. On 16 to 18 November 2021, direct, cross, and redirect examination of witnesses and experts will take place. On 19 November 2021, the Tribunal will hear the Parties' closing statements. On each day, the hearing will commence at 9:00 a.m. EST (3:00 p.m. CET) and end between 2:00 p.m. and 3:15 p.m. EST (8:00 p.m. and 9:15 p.m. CET).

The hearing will be video recorded and transmitted to the public via live-feed. The webcast will be virtually live in order to allow the Tribunal to address confidentiality or other objections, if any. A direct link to the webcast will be available on the PCA's website between 15 to 19 November 2021. Those wishing to access the livestream of the hearing are requested to register in advance, by sending an e-mail to [dpyrikova@pca-cpa.org](mailto:dpyrikova@pca-cpa.org) by **Friday, 12 November 2021**.

Hearing transcripts and videos will be uploaded to the PCA's Case Repository in due course, after the conclusion of the hearing.

**Background of the Arbitration**

Pursuant to Article 1120 of NAFTA and the 1976 UNCITRAL Arbitration Rules, through a Notice of Arbitration dated 1 June 2017, Tennant Energy, LLC instituted arbitral proceedings against the Government of Canada. The Tribunal is composed of Mr. Cavinder Bull SC (President); Mr. Doak Bishop and Sir Daniel Bethlehem QC.

The Respondent has raised certain preliminary objections to the Tribunal's jurisdiction. The Parties have submitted several rounds of written pleadings concerning the Respondent's objections, accompanied by witness statements, expert reports, fact exhibits and legal authorities. The United States of America and the United Mexican States have also filed non-disputing Party submissions. At the forthcoming hearing, the Parties will have an opportunity to make presentations to the Tribunal in respect of these questions and cross-examine witnesses and experts presented by the other side.

Further information about the case, the Tribunal's orders and decisions and the Parties' written submissions, are available on the PCA's Case Repository at <https://pca-cpa.org/en/cases/202/>.

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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 122 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 5 interstate disputes, 107 investor-State arbitrations, and 69 cases arising under contracts involving a State or other public entity, and 2 other disputes. More information about the PCA can be found at [www.pca-cpa.org](http://www.pca-cpa.org).

Contact: Permanent Court of Arbitration

E-mail: [bureau@pca-cpa.org](mailto:bureau@pca-cpa.org)