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Subject: PCA Case No 2018-54 Tennant Energy LLC v. Government of Canada
Date: 26 October 2021 11:59:21
Attachments: [20211025 Letter to ICSID.PDF](#)
[2021.10.25 - Letter to PCA- Inquiry re publication of Award.pdf](#)

Dear Mesdames, dear Sirs,

In accordance with the directions given by the Tribunal during the pre-hearing conference held on 19 October 2021, the PCA sent the enclosed letter to ICSID concerning the authenticity of the version of the Award in *MAKAE Europe SARL v. Kingdom of Saudi Arabia* that is available on Investment Arbitration Reporter (the enclosure to our letter is omitted). I enclose ICSID's response to our communication for your information.

Yours sincerely,

José Luis Aragón Cardiel
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25 October 2021

RE: MAKAE EUROPE SARL V. KINGDOM OF SAUDI ARABIA (ICSID CASE NO. ARB/17/42)

To whom it may concern,

On 16 September 2021, one of the parties in a PCA-administered arbitration, in which I act as tribunal secretary, submitted a request to the tribunal for permission to add into the record the Award in *MAKAE Europe SARL v. Kingdom of Saudi Arabia* (ICSID Case No. ARB/17/42) dated 30 August 2021 (the "Award"). The party explained that it obtained a copy of the Award through Investment Arbitration Reporter ("IA Reporter"), an online subscription-based source.

On its website, IA Reporter does not provide any details on how it accessed the Award. The link to the Award remains available on IA Reporter's website.

Considering that no public release of the Award appears recorded on ICSID's website, the tribunal has decided to seek clarification from ICSID in respect of the authenticity of the Award. In this regard, I would be grateful if you could inform us whether there is any reason to believe that the enclosed copy would not reflect the original Award. We will then convey your response to the tribunal and the parties.

Please do not hesitate to contact me should you have any questions in respect of this matter. I look forward to your response and thank you in advance for your assistance.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'JL Aragón Cardiel', with a date '2021' written below it.

José Luis Aragón Cardiel
Legal Counsel

Encl.: Presumptive copy of Award in *MAKAE Europe SARL v. Kingdom of Saudi Arabia* (ICSID Case No. ARB/17/42)

October 25, 2021

By email

José Luis Aragón Cardiel
Legal Counsel
Permanent Court of Arbitration
Peace Palace
Carnegieplein 2
2517 KJ The Hague
The Netherlands

Re: MAKAE Europe SARL v. Kingdom of Saudi Arabia
(ICSID Case No. ARB/17/42)

Dear Mr. Aragón Cardiel,

I acknowledge receipt of your letter of October 25, 2021 concerning the Award issued on August 30, 2021 in *MAKAE Europe SARL v. Kingdom of Saudi Arabia* (ICSID Case No. ARB/17/42). The Parties in the above-referenced case have not consented to the publication of the Award to date. Consequently, we are unable to address the authenticity or completeness of the version presented to the tribunal in the case you act as tribunal secretary.

It is ICSID's practice to publish hyperlinks only to free public sources. Please note that when we do so, we are unable to vouch for the accuracy or completeness of the document published on an external website.

Sincerely yours,



Jara Mínguez Almeida
Senior Legal Counsel, Team Leader