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Subject: RE: PCA Case No. 2018-54 - Tennant Energy LLC v Canada - Admissibility of additional authority
Date: 09 November 2021 19:41:31

Dear Mesdames, dear Sirs,

I write on behalf of the Tribunal.

The Tribunal has carefully considered the Respondent's application to admit the award in *MAKAE Europe v Kingdom of Saudi Arabia* into the record. The Tribunal has also considered the Claimant's responses to that application. In particular, the Tribunal has considered the various submissions made in the Claimant's communications of 25 September and 8 November 2021 and the Respondent's communications of 16 September, 8 October, 18 October and 5 November 2021.

The Tribunal unanimously decides to grant the application and admit the Award in *MAKAE Europe* into the record. The Tribunal notes that such awards are not binding and merely represent one tribunal's reasoning on a particular set of facts. The Tribunal sees no reason why it should not consider such reasoning, whether it is set out in a prior award or whether it is otherwise presented by the Parties. The Tribunal will decide whether the reasoning in *MAKAE Europe* is helpful (and if so, to what extent) after the Tribunal has had the opportunity of hearing submissions from both Parties.

Yours sincerely,

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