

Annex 3 – Treaty provisions

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ACP – EU Samoa Agreement (2023)	15/11/2023	-	Article 101(9) The Parties agree that consultations shall be conducted at the level, and in the form, considered most conducive to reaching a mutually acceptable solution. They agree that, while preserving the bilateral character of the consultations, relevant regional and international actors may be involved in the consultation process upon agreement of the Parties concerned
<u>Canada - Ukraine Modernized FTA (2023)</u>	22/09/2023	-	Article 17.33 - Participation of a Non-Disputant Party 4. The Tribunal shall accept or, after consultation with the disputing parties, may invite, oral or written submissions from the non-disputing Party regarding the interpretation of this Agreement. The non-disputing Party may attend a hearing held under this Section.
China – Nicaragua FTA (2023)	31/08/2023	01/01/2024	Article 11.22(3) After consulting the disputing parties, the tribunal may allow a person or entity that is not a disputing party to file a written amicus curiae submission with the tribunal regarding a matter within the scope of the dispute.
EU – New Zealand FTA (2023)	09/07/2023	01/05/2024	Article 26.21(4) The panel shall consider amicus curiae submissions from natural persons of a Party or legal persons established in a Party in accordance with Annex 26-A (Rules of procedure).
Pacific Alliance – Singapore FTA (2022)	26/01/2022	-	Article 8.25(3) After consultation with the disputing parties, the tribunal may accept and consider written amicus curiae submissions regarding a matter of fact or law within the scope of the dispute that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party but has a significant interest in the arbitral proceedings.
Israel – Korea, Republic of FTA (2021)	12/05/2021	01/12/2022	Article 9.23(3) After consulting the disputing parties, the tribunal may allow a party or entity that is not a disputing party to file a written amicus curiae submission according to the Annex 9-

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			F (Amicus Curiae) with the tribunal regarding a matter within the scope of the dispute. In determining whether to allow such a filing, the tribunal shall consider, among other things, the extent to which.
Cameroon – United Kingdom Economic Partnership Agreement (2021)	09/03/2021	19/07/2021	<p>Article 81</p> <p>At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, which it deems appropriate for the arbitration procedure. The arbitration panel also has the right to seek the opinion of experts as it deems appropriate. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. Interested parties are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the rules of procedure.</p>
Ghana – United Kingdom Interim Trade Partnership Agreement (2021)	02/03/2021		<p>Article 62</p> <p>At the request of a Party or on its own initiative, the arbitration panel may obtain general and technical information from any source, including the Parties, if it deems this to be appropriate for the arbitration proceedings. The arbitration panel shall also be authorised to obtain the opinion of experts if it considers this appropriate. Interested parties are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the procedural rules. Information obtained in this manner must be disclosed to each of the Parties and submitted to them for their comments.</p>
EU – United Kingdom Trade and Cooperation Agreement (2020)	30/12/2020	01/05/2021	<p>Article INST.26(3)</p> <p>The arbitration tribunal shall consider amicus curiae submissions from natural persons of a Party or legal persons established in a Party in accordance with Annex INST-X [Rules of Procedure].</p>
Moldova – United Kingdom Partnership, Trade and	24/12/2020	01/01/2021	<p>Article 367</p> <p>At the request of a Party, or upon its own initiative, the arbitration panel may obtain any information it deems appropriate for the arbitration panel proceeding from any</p>

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Cooperation Agreement (2020)			<p>source, including the Parties involved in the dispute. The arbitration panel also has the right to seek the opinion of experts, as it deems appropriate. The arbitration panel shall consult the Parties before choosing such experts. Natural or legal persons established in the territory of a Party may submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure. Any information obtained under this Article shall be disclosed to each of the Parties and submitted for their comments.</p> <p>Annex XVI – Rules of Procedure – Amicus curiae submissions (Articles 37-39).</p>
Indonesia – Korea, Republic of CEPA (2020)	18/12/2020	01/01/2023	<p>Article 7.19(26)</p> <p>The non-disputing Party shall be entitled, at its cost, to receive from the disputing Party a copy of the notice of arbitration, no later than 30 days after the date that such document has been delivered to the disputing Party. The disputing Party shall notify the other Party of the receipt of the notice of arbitration within 30 days thereof.</p>
Kenya – United Kingdom EPA (2020)	08/12/2020	24/03/2021	<p>Article 121</p> <p>At the request of either Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, it deems appropriate for the arbitration panel proceeding. The arbitration panel shall also have the right to seek the relevant opinion of experts as it deems appropriate. Interested natural or legal persons of the Parties and other third parties are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure. Any information obtained in this manner must be disclosed to the Parties which may submit comments.</p>
Japan – United Kingdom CEPA (2020)	23/10/2020	01/01/2021	<p>Article 22.17(3)</p> <p>Natural persons of a Party or legal persons established in a Party may submit amicus curiae briefs to the panel in accordance with the Rules of Procedure.</p>
Côte d’Ivoire – United Kingdom	15/10/2020		<p>Article 60</p>

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Stepping Stone EPA (2020)			At the request of a Party or on its own initiative, the arbitration panel may obtain information from any source, including the Parties concerned by the dispute, if it deems this to be appropriate for the arbitration proceedings. The arbitration panel shall also be authorised to obtain the opinion of experts where deemed appropriate. The Parties concerned shall have the option of submitting briefs on an amicus curiae basis to the arbitration panel in accordance with the rules of procedure. All information thus obtained must be disclosed to both Parties and subjected to their comments.
Cambodia – China FTA (2020)	12/10/2020	01/01/2022	Article 14.11(2)(a) The arbitral tribunal shall set out in its report: a descriptive section summarising the arguments of the Parties to the dispute and Third Parties.
Ukraine – United Kingdom Political, Free Trade and Strategic Partnership Agreement (2020)	08/10/2020	01/01/2021	Article 305 At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, it deems appropriate for the arbitration panel proceeding. The arbitration panel also has the right to seek the relevant opinion of experts as it deems appropriate. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. Interested natural or legal persons established in the Parties' territories are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure set out in Annex XIX to this Agreement.
China - Mauritius FTA	17/10/2019	01/01/2021	Article 8.28 2. The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement. 3. After consulting the disputing parties, the tribunal may allow a person or entity that is not a disputing party to file a written amicus curiae submission with the tribunal regarding a matter within the scope of the dispute. Such a submission shall provide the identity of such person or entity (including

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			<p>any controlling entity and any source of substantial financial assistance in either of the two years preceding the submission, e.g. funding around 20% of an entity's overall operations annually), disclose any connection with any disputing party, and identify any person, government or other entity that has provided or will provide any financial or other assistance in preparing the submission. In determining whether to allow such a filing, the tribunal shall consider, among other things, the extent to which:</p> <p>(a) the amicus curiae submission would assist the tribunal in the determination of a factual or legal issue related to the proceeding by bringing a perspective, particular knowledge, or insight that is different from that of the disputing parties;</p> <p>(b) the amicus curiae submission would address a matter within the scope of the dispute; and</p> <p>(c) the amicus curiae has a significant interest in the proceeding.</p> <p>4. The tribunal shall ensure that the amicus curiae submission does not disrupt the proceeding or unduly burden or unfairly prejudice either disputing party, and that the disputing parties are given an opportunity to present their observations on - 94 - the amicus curiae submission</p>
SACU and Mozambique - United Kingdom EPA	09/10/2019	01/01/2021	<p>Article 90</p> <p>At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, it deems appropriate for the arbitration proceeding. The arbitration panel shall also have the right to seek the opinion of relevant experts as it deems appropriate. Interested entities are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure. Any information obtained in this manner must be disclosed to the Parties and submitted for their comments.</p>
EU - Viet Nam Investment Protection Agreement	30/06/2019	-	<p>Article 3.8(6)</p> <p>Unless the Parties agree otherwise within three days of the date of establishment of the arbitration panel, the arbitration panel may receive, in accordance with Annex 7</p>

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			<p>(Rules of Procedure), unsolicited written submissions (amicus curiae submissions) from natural or legal person established in the territory of a Party.</p> <p>Rules of procedure, Articles 40 and 41</p> <p>40. Unless the Parties agree otherwise within three days of the date of the establishment of the arbitration panel, the arbitration panel may receive unsolicited written submissions from natural or legal persons established in the territory of a Party who are independent from the governments of the Parties, provided that they are made within 10 days of the date of the establishment of the arbitration panel, that they are concise and in no case longer than 15 pages typed at double space, and that they are directly relevant to a factual or a legal issue under consideration by the arbitration panel.</p> <p>41. The submission shall contain a description of the person making the submission, whether natural or legal, including its nationality or place of establishment, the nature of its activities, its legal status, general objectives and the source of its financing, and specify the nature of the interest that the person has in the arbitration proceedings. It shall be drafted in the languages chosen by the Parties in accordance with Rules 39 and 40.</p>
<p>Australia - Hong Kong Investment Agreement</p>	<p>26/03/2019</p>	<p>17/01/2020</p>	<p>Article 29(3)</p> <p>2. The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement.</p> <p>3. After consultation with the disputing parties, the tribunal may accept and consider written amicus curiae submissions regarding a matter of fact or law within the scope of the investment dispute that may assist the tribunal in evaluating the submissions and 23 arguments of the disputing parties from a person or entity that is not a disputing party but has a significant interest in the arbitral proceedings. Each submission shall:</p> <p>(a) identify the author;</p>

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			<p>(b) disclose any affiliation, direct or indirect, with any disputing party; and</p> <p>(c) identify any person, government or other entity that has provided, or will provide, any financial or other assistance in preparing the submission.</p> <p>Each submission shall be in English and comply with any page limits and deadlines set by the tribunal. The tribunal shall provide the disputing parties with a reasonable opportunity to respond to such submissions. The tribunal shall ensure that the submissions do not disrupt or unduly burden the arbitral proceedings, or unfairly prejudice any disputing party.</p>
CARIFORUM States - United Kingdom EPA	22/03/2019	-	<p>Article 217</p> <p>At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, it deems appropriate for the arbitration panel proceeding. The arbitration panel shall also have the right to seek the relevant opinion of experts as it deems appropriate. Interested parties are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments.</p>
Argentina - Japan BIT	01/12/2018	-	<p>Article 27(1)</p> <p>After consultation with the disputing parties, the tribunal may accept and consider written amicus curiae submissions regarding a matter of fact or law within the scope of the dispute that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party but has a significant interest in the arbitral proceedings. Each submission shall identify the author; disclose any affiliation, direct or indirect, with any disputing party; and identify any person, government or other entity that has provided, or will provide, any financial or other assistance in the preparation of the submission. Each submission shall be in a language of the arbitration and comply with any page limits</p>

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			and deadlines set by the tribunal. The tribunal shall provide the disputing parties with an opportunity to respond to such submissions. The tribunal shall ensure that the submissions do not disrupt or unduly burden the arbitral proceedings, or unfairly prejudice any disputing party.
USMCA	30/11/2018	01/07/2020	<p>Article 14.D.7(3) of Annex 14-D</p> <p>After consultation with the disputing parties, the tribunal may accept and consider written amicus curiae submissions regarding a matter of fact or law within the scope of the dispute that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party but has a significant interest in the arbitral proceedings. Each submission shall identify the author; disclose any affiliation, direct or indirect, with any disputing party; and identify any person, government, or other entity that has provided, or will provide, any financial or other assistance in preparing the submission. Each submission shall be in a language of the arbitration and comply with any page limits and deadlines set by the tribunal. The tribunal shall provide the disputing parties with an opportunity to respond to such submissions. The tribunal shall ensure that the submissions do not disrupt or unduly burden the arbitral proceedings, or unfairly prejudice any disputing party.</p>
EU - Singapore Investment Protection Agreement	15/10/2018	-	<p>Article 3.41(2)</p> <p>Interested natural or legal persons of the Parties are authorised to submit amicus curiae briefs to the arbitration panel in accordance with Annex 9 (Rules of Procedure for Arbitration).</p> <p>Annex 9(52-44)</p> <p>42. Unless the Parties agree otherwise within three days of the date of the establishment of the arbitration panel, the arbitration panel may receive unsolicited written submissions from interested natural or legal persons of the Parties, provided that they are made within ten days of the date of the establishment of the arbitration panel, that they are concise and in no case longer than 15 typed pages, including any annexes, and that they are directly relevant to</p>

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			<p>the factual issue under consideration by the arbitration panel.</p> <p>43. The submission shall contain a description of the person making the submission, whether natural or legal, including its nationality or place of establishment the nature of their activities and the source of its financing, and specify the nature of the interest that the person has in the arbitration proceeding. It shall be drafted in the languages chosen by the Parties in accordance with Rule 46 of this Annex.</p> <p>44. The arbitration panel shall list in its ruling all the submissions it has received that conform to Rules 42 and 43 of this Annex. The arbitration panel shall not be obliged to address in its ruling the arguments made in such submissions. Any submission obtained by the arbitration panel under this Annex shall be submitted to the Parties for their comments.</p>
EU - Japan EPA	17/07/2018	01/02/2019	<p>Article 21.17(3)</p> <p>1. On request of a Party, or on its own initiative, the panel may seek from the Parties relevant information it considers necessary and appropriate. The Parties shall respond promptly and fully to any request by the panel for information.</p> <p>2. On request of a Party, or on its own initiative, the panel may seek from any source any information, including confidential information, it considers appropriate. The panel also has the right to seek the opinion of experts as it considers appropriate.</p>
AfCFTA	21/03/2018	30/05/2019	<p>Article 13 of the Protocol on rules and procedures on the settlement of disputes</p> <p>1. The interests of all Parties to a dispute including Third Parties shall be taken into account during the Panel process.</p> <p>2. A Third Party shall, after notification of its substantial interests to the Panel through the DSB, provided that disputing parties agree that the claim of substantial interest is well founded, have an opportunity to be heard and to make written submissions to the Panel.</p>

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			<p>3. Copies of the submissions shall be served on the Parties to the dispute and shall be reflected in the report of the Panel.</p> <p>4. If a Third Party considers that a measure already the subject of a Panel proceeding impairs or nullifies benefits accruing to it under the Agreement, that Third Party may have recourse to normal dispute settlement procedures under this Protocol. Such a dispute shall be referred to the original Panel wherever possible.</p> <p>5. Third Parties shall receive the submissions of the Parties to a dispute at the first meeting of the Panel.</p>
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)	08/03/2018	30/12/2018	<p>Article 9.23(2-3)</p> <p>2. A non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement.</p> <p>3. After consultation with the disputing parties, the tribunal may accept and consider written amicus curiae submissions regarding a matter of fact or law within the scope of the dispute that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party but has a significant interest in the arbitral proceedings. Each submission shall identify the author; disclose any affiliation, direct or indirect, with any disputing party; and identify any person, government or other entity that has provided, or will provide, any financial or other assistance in preparing the submission. Each submission shall be in a language of the arbitration and comply with any page limits and deadlines set by the tribunal. The tribunal shall provide the disputing parties with an opportunity to respond to such submissions. The tribunal shall ensure that the submissions do not disrupt or unduly burden the arbitral proceedings, or unfairly prejudice any disputing party.</p>
Central America - Korea,	21/02/2018	01/10/2019	<p>Article 9.21</p> <p>The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement. On the request of a disputing party, the</p>

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<p>Republic of FTA</p>			<p>non-disputing Party should resubmit its oral submission in writing. 3. After consulting the disputing parties, the tribunal may allow a party or entity that is not a disputing party to file a written amicus curiae submission according to the Annex 9-G with the tribunal regarding a matter within the scope of the dispute. In determining whether to allow such a filing, the tribunal shall consider, among other things, the extent to which: (a) the amicus curiae submission would assist the tribunal in the determination of a factual or legal issue related to the proceeding by bringing a perspective, particular knowledge, or insight that is different from that of the disputing parties; (b) the amicus curiae submission would address a matter within the scope of the dispute; and the amicus curiae has a significant interest in the proceeding. The tribunal shall ensure that the amicus curiae submission does not disrupt the proceeding or unduly burden or unfairly prejudice either disputing party, and that the disputing parties are given an opportunity to present their observations on the amicus curiae submission.</p> <p>Article 9.22 TRANSPARENCY OF ARBITRAL PROCEEDINGS</p> <p>1. Subject to paragraphs 2, 3, and 4, the respondent shall, after receiving the following documents, promptly transmit them to the non-disputing Party and make them available to the public: (a) the notice of intent; (b) the notice of arbitration; (c) pleadings, memorials, and briefs submitted to the tribunal by a disputing party and any written submissions submitted pursuant to Articles 9.21.2, 9.21.3 and 9.26; (d) minutes or transcripts of hearings of the tribunal, where available; and (e) orders, awards, and decisions of the tribunal. 2. The tribunal shall conduct hearings open to the public and shall determine, in consultation with the disputing parties, the appropriate logistical arrangements. However, any 9-17 disputing party that intends to use information designated as protected information in a hearing shall so advise the tribunal. The tribunal shall make appropriate arrangements to protect the information from disclosure.</p> <p>Annex 9-G – Amicus Curiae</p>

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			<p>The Tribunal may receive amicus curiae briefs from interested natural persons of a Party or legal persons, established in the territory of the Parties. 1. The briefs submitted to the Tribunal shall: (a) be dated and signed by the interested person or its representative, and include the contact information of such person; (b) be addressed to the chair person and shall be also communicated to the disputing parties in the language or languages chosen by the disputing parties; and (c) be concise and in no case exceed 15 typed pages, including any annexes. 2. The briefs shall be accompanied by a written declaration clearly indicating (a) a description of the interested persons who present them, including their place of incorporation in case of legal persons and address in case of natural persons, the nature of their activities, their sources of financing and, where relevant, documentation corroborating said information; (b) whether the interested persons have any direct or indirect relation with any of the disputing parties as well as if they have received any financial or other type of contribution from any of the disputing parties, another government, natural persons or legal persons, generally or in the preparation of the brief; and (c) a brief summary of how the interested persons brief would assist the tribunal in the determination of a factual or legal issue related to the proceeding. 3. The Tribunal shall not consider amicus curiae briefs which do not conform to the above rule</p>
<p>Australia - Peru FTA</p>	<p>12/02/2018</p>	<p>11/02/2020</p>	<p>Article 8.24(3)</p> <p>After consultation with the disputing parties, the tribunal may accept and consider written amicus curiae submissions regarding a matter of fact or law within the scope of the dispute that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party but has a significant interest in the arbitral proceedings. Each submission shall identify the author; disclose any affiliation, direct or indirect, with any disputing party; and identify any person, government or other entity that has provided, or will provide, any financial or other assistance in preparing the submission. Each submission shall be in a language of the arbitration and comply with any page limits and</p>

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			deadlines set by the tribunal. The tribunal shall provide the disputing parties with an opportunity to respond to such submissions. The tribunal shall ensure that the submissions do not disrupt or unduly burden the arbitral proceedings, or unfairly prejudice any disputing party.
Armenia – EU CEPA (2017)	24/11/2017	01/03/2021	<p>Article 336(3)</p> <p>Natural or legal persons established in the territory of a Party may submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure.</p>
Ethiopia – Qatar BIT (2017)	14/11/2017		<p>Article 17(1)</p> <p>Disputes between the Contracting Parties concerning the interpretation or application of this Agreement shall be settled through consultations or negotiations, which may include the use of non-binding third-party mediation or other mechanisms.</p>
PACER Plus (2017)	14/06/2017	13/12/2020	<p>Chapter 14 – Article 5(8)</p> <p>If a Party other than the Parties engaged in the consultations (Third Party) considers that it has a substantial or systemic interest in the consultations, it may be joined in the consultations upon notifying the Parties engaged in the consultations within 10 days of the request for consultations of its desire to be joined in the consultations. Such notification shall include an explanation of the Party's substantial or systemic interest in the matter and be provided simultaneously to all Parties. Such Party shall be joined in the consultations if the consulting Parties agree.</p> <p>Chapter 14 – Article 10: Third Parties</p> <p>1. Any Party having a substantial interest in a matter before a Panel may notify the Parties to the dispute of this interest within 14 days of the date of receipt by the Party complained against of the request for the establishment of the Panel or the date of a request for a Compliance Review Panel pursuant to Article 16. Such notification shall be simultaneously provided to all Parties. Any Party notifying its substantial interest shall have the rights and obligations of a Third Party as outlined in Annex 14-A on Model Rules of Procedure. 2. The Parties to the dispute may agree to</p>

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			provide additional or supplemental rights to Third Parties regarding participation in Panel proceedings. In providing additional or supplemental rights, the Parties to the dispute may impose agreed conditions. Unless agreed otherwise by the Parties to the dispute, the Panel shall not grant any additional or supplemental rights to any Third Parties regarding participation in Panel proceedings.
Israel – Japan BIT (2017)	01/02/2017	05/10/2017	Article 24(1) In the event of an investment dispute between the claimant and the respondent, they should initially seek to resolve the dispute through consultation and negotiation, which may include the use of non-binding, third-party procedures.
Chile – Hong Kong, China SAR BIT	18/11/2016	14/07/2019	Article 26(2) The tribunal shall have the authority to accept and consider amicus curiae written submissions that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party (the “submitter”).
EU - SADC EPA Group Agreement	10/06/2016	-	Article 90 The arbitration panel shall also have the right to seek the opinion of relevant experts as it deems appropriate. Interested entities are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure.
TPP (2016)	04/02/2016	-	Article 9.23 3. After consultation with the disputing parties, the tribunal may accept and consider written amicus curiae submissions regarding a matter of fact or law within the scope of the dispute that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party but has a significant interest in the arbitral proceedings.
Canada – EU CETA	30/10/2016	-	Annex 29-A (Rules of procedure for arbitration), Articles 43-46: amicus curiae submissions

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			<p>43. Non-governmental persons established in a Party may submit amicus curiae briefs to the arbitration panel in accordance with the following paragraphs. 44. Unless the Parties agree otherwise within five days of the date of the establishment of the arbitration panel, the arbitration panel may receive unsolicited written submissions, provided that they are made within 10 days of the date of the establishment of the arbitration panel, and in no case longer than 15 typed pages, including any annexes, and that they are directly relevant to the issue under consideration by the arbitration panel. 45. The submission shall contain a description of the person making the submission, whether natural or legal, including the nature of that person’s activities and the source of that person’s financing, and specify the nature of the interest that that person has in the arbitration proceeding. It shall be drafted in the languages chosen by the Parties in accordance with paragraphs 48 and 49. 46. The arbitration panel shall list in its ruling all the submissions it has received that conform to the above rules. The arbitration panel shall not be obliged to address in its ruling the arguments made in such submissions. The arbitration panel shall submit to the Parties for their comments any submission it obtains.</p>
<p>EU - Kazakhstan EPCA (2015)</p>	<p>21/12/2015</p>	<p>01/03/2020</p>	<p>Article 193</p> <p>Natural or legal persons established in the territory of a Party may submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure set out in Annex V.</p>
<p>Australia - China FTA</p>	<p>17/06/2015</p>	<p>20/12/2015</p>	<p>Article 9.16(3)</p> <p>3. With the written agreement of the disputing parties, the tribunal may allow a party or entity that is not a disputing party to file a written amicus curiae submission with the tribunal regarding a matter within the scope of the dispute. In determining whether to allow such a filing, the tribunal shall consider, among other things, the extent to which:</p> <p>(a) the amicus curiae submission would assist the tribunal in the determination of a factual or legal issue related to the proceeding by bringing a perspective, particular knowledge, or insight that is different from that of the disputing parties;</p>

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			<p>(b) the amicus curiae submission would address a matter within the scope of the dispute; and</p> <p>(c) the amicus curiae has a significant interest in the proceeding</p>
Eurasian Economic Union - Viet Nam FTA	29/05/2015	05/10/2016	<p>Article 14.4</p> <p>1. The distribution among the Member States of the Eurasian Economic Union and the Eurasian Economic Union of any procedural document relating to any dispute arising under this Agreement shall not be viewed as a violation of the provisions on confidentiality under this Agreement and/or WTO Agreement.</p> <p>2. Any Member State of the Eurasian Economic Union and the Eurasian Economic Union having substantial interest in a matter in dispute may have an opportunity to be heard and to make written submissions to the Arbitral Panel as amicus curiae.</p>
Canada - Guinea BIT	27/05/2015	27/03/2017	<p>Article 33</p> <p>A Tribunal has the authority to consider and accept written submissions from a person or entity that is not a disputing party with a significant interest in the arbitration. The Tribunal shall ensure that a non-disputing party submission does not disrupt the proceedings and does not unduly burden or unfairly prejudice a disputing party. The procedures set out in Annex IV (Procedural Rules for Submissions by Amicus Curiae) apply.</p> <p>Annex IV - Rules of Procedure for Amicus curiae Submissions</p> <p>1. The person or entity seeking amicus curiae status must serve the Tribunal and all the disputing parties with an application for leave to file an amicus curiae submission and the proposed oral representations. 2. An application for leave to file an amicus curiae submission must: 1. be made in writing, and be dated and signed by the person or entity that files the application, and include the address and other contact details of the applicant. The person or entity may be represented by counsel for this purpose; 2. not exceed seven typed pages; 3. describe the applicant, which include, if</p>

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			<p>relevant, its membership and legal status (for example, company, trade association or other non-governmental organisation), its general objectives, the nature of its activities, and any parent organisation (including any organisation that directly or indirectly controls the applicant); 4. disclose whether or not the applicant has an affiliation, direct or indirect, with a disputing party; 5. identify any government, person or entity that has provided financial or other assistance to prepare the submission; 6. specify the nature of the applicant's interest in the arbitration; 7. identify the specific issues of fact or law in the arbitration that the applicant plans to address in its written submissions; 8. explain, by referring to the factors specified in paragraph 5, why the Tribunal should allow the submission; and 9. be made in a language of the arbitration or in one of the official languages of the disputing Party. 3. The submission filed by an amicus curiae must: 1. be dated and signed by the person who files the submission; 2. be concise, and not exceed 30 typed pages, which includes any appendices; 3. set out a precise statement supporting the amicus curiae's position on the issues; and 4. address only matters within the scope of the dispute. 4. The Tribunal will set an appropriate date for the disputing parties to comment on the application for leave to file an amicus curiae submission. 5. In determining whether to grant leave to file an amicus curiae submission, the Tribunal must consider, among other things, the extent to which: 1. the amicus curiae submission would assist the Tribunal to dispose of a question of fact or question of law related to the dispute; 2. the amicus curiae submission would address a matter within the scope of the dispute; 3. the amicus curiae has a significant interest in the arbitration; and 4. the subject of the arbitration is a matter of public interest. 6. The Tribunal must ensure that: 1. any amicus curiae submissions does not disrupt the proceedings; and 2. any amicus curiae submissions do not unfairly prejudice either disputing party. 7. The Tribunal decides whether to grant leave to file an amicus curiae submission. If leave to file an amicus curiae submission is granted, the Tribunal sets an appropriate date for the disputing parties and the other Party to respond in writing to the amicus curiae submission.</p>

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			<p>8. A Tribunal that grants leave to file an amicus curiae submission is not required to address all aspects of the submission in the arbitration. The Tribunal may ask any person or entity to make oral representations before the Tribunal before it answers specific questions or questions regarding the amicus curiae submission. 9. Access to hearings and documents by persons or entities who apply for leave to file an amicus curiae submission in accordance with the procedures set out in this Annex is governed by the provisions pertaining to public access to hearings and documents under this Agreement.</p>
<p>Korea, Republic of - New Zealand FTA</p>	<p>23/03/2015</p>	<p>20/12/2015</p>	<p>Article 10.26(1)</p> <p>The tribunal shall have the authority to accept and consider written amicus curiae submissions that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party. In determining whether to accept such a filing, the tribunal shall consider, among other things, the extent to which the amicus curiae has a significant interest in the proceeding. The tribunal shall provide the disputing parties with an opportunity to respond to such written submissions.</p>
<p>Canada - Korea, Republic of FTA</p>	<p>22/09/2014</p>	<p>01/01/2015</p>	<p>Article 8.31</p> <p>1. On written notice to the disputing parties, the non-disputing Party may make oral or written submissions to a Tribunal on a question of interpretation of this Agreement. Upon the request of a disputing party, the non-disputing Party shall submit its oral submission in writing.</p> <p>2. The non-disputing Party shall treat the information it receives at hearings on the same basis as the Party providing the information treats them.</p>
<p>Canada - Serbia BIT</p>	<p>01/09/2014</p>	<p>27/04/2015</p>	<p>Article 32</p> <p>A Tribunal has the authority to consider and accept written submissions from a person or entity that is not a disputing party with a significant interest in the arbitration. The Tribunal shall ensure that a non-disputing party submission</p>

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			does not disrupt the proceedings and does not unduly burden or unfairly prejudice a disputing party.
			Arti.
Canada - Nigeria BIT	06/05/2014	-	<p>Article 32</p> <p>A Tribunal has the authority to consider and accept written submissions from a person or entity that is not a disputing party with a significant interest in the arbitration. The Tribunal shall ensure that a non-disputing party submission does not disrupt the proceedings and does not unduly burden or unfairly prejudice a disputing party.</p>
Australia - Korea, Republic of FTA	08/04/2014	12/12/2014	<p>Article 11.20</p> <p>4. The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement. On request of a disputing party, the non-disputing Party should resubmit its oral submission in writing.</p> <p>5. After consulting the disputing parties, the tribunal may allow a party or entity that is not a disputing party to file a written amicus curiae submission with the tribunal regarding a matter within the scope of the dispute. In determining whether to allow such a filing, the tribunal shall consider, among other things, the extent to which:</p> <p>(a) the amicus curiae submission would assist the tribunal in the determination of a factual or legal issue related to the proceeding by bringing a perspective, particular knowledge, or insight that is different from that of the disputing parties;</p> <p>(b) the amicus curiae submission would address a matter within the scope of the dispute; and</p> <p>(c) the amicus curiae has a significant interest in the proceeding.</p> <p>The tribunal shall ensure that the amicus curiae submission does not disrupt the proceeding or unduly burden or</p>

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			<p>unfairly prejudice either disputing party, and that the disputing parties are given an opportunity to present their observations on the amicus curiae submission.”</p> <p>Article 11.21(1)</p> <p>1. Subject to paragraphs 2, 3 and 4, the respondent shall, after receiving the following documents, promptly transmit them to the non-disputing Party and make them available to the public:</p> <p>(a) the notice of intent;</p> <p>(b) the notice of arbitration;</p> <p>(c) pleadings, memorials and briefs submitted to the tribunal by a disputing party and any written submissions submitted pursuant to Article 11.20.4 and 11.20.5 and Article 11.25;</p> <p>(d) minutes or transcripts of hearings of the tribunal, where available; and</p> <p>(e) orders, awards, and decisions of the tribunal.</p>
Cameroon - Canada BIT	03/03/2014	16/12/2016	<p>Article 31</p> <p>A Tribunal has the authority to consider and accept written submissions from a person or entity that is not a disputing party but that nevertheless has a significant interest in the arbitration. The Tribunal shall ensure that a non-disputing party submission does not disrupt the proceedings and does not unduly burden or unfairly prejudice a disputing party.</p>
Canada - Honduras FTA (2013)	05/11/2013	01/10/2014	<p>Article 10.31</p> <p>1. The non-disputing Party may make submissions to a Tribunal on a question of interpretation of this Agreement, if it gives notice in writing to the disputing parties.</p> <p>2. The non-disputing Party has the right to attend a hearing held under this Section, whether or not it makes submissions to the Tribunal.</p>
Chile - Thailand FTA (2013)	04/09/2013	05/11/2015	<p>Annex 14.10</p>

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			33. The arbitral panel shall have the authority to accept and consider amicus curiae submissions from any persons and entities in the territories of the disputing Parties.
New Zealand - Taiwan Province of China ECA (2013)	10/07/2013	01/12/2013	<p>Article 25</p> <p>A Tribunal has the authority to consider and accept written submissions from a person or entity that is not a disputing party with a significant interest in the arbitration. The Tribunal shall ensure that a non-disputing party submission does not disrupt the proceedings and does not unduly burden or unfairly prejudice a disputing party.</p>
<u>Benin - Canada BIT (2013)</u>	09/01/2013	12/05/2014	<p>Article 34</p> <p>A Tribunal has the authority to consider and accept written submissions from a person or entity that is not a disputing party with a significant interest in the arbitration. The Tribunal shall ensure that a non-disputing party submission does not disrupt the proceedings and does not unduly burden or unfairly prejudice a disputing party.</p>
<u>Canada - China BIT (2012)</u>	09/09/2012	01/10/2014	<p>Article 27</p> <p>2. The non-disputing Contracting Party shall have the right to attend any hearings held under this Part of this Agreement. Upon written notice to the disputing parties, the non-disputing Contracting Party may make submissions to a Tribunal on a question of interpretation of this Agreement.</p>
Central America - EU Association Agreement (2012)	29/06/2012	01/10/2013	<p>Article 321</p> <p>Natural or legal persons with an interest in the subject matter residing or established in the disputing Parties' territories are authorised to submit amicus curiae briefs for the Panel's possible consideration in accordance with the Rules of Procedure.</p>
Colombia - Ecuador - EU - Peru Trade Agreement (2012)	26/06/2012	01/06/2013	<p>Article 316</p> <p>2. The arbitration panel may also allow interested non-governmental persons established in the territory of a party</p>

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			to the dispute, to provide amicus curiae briefs in accordance with the Rules of Procedure.
China - Japan - Korea, Republic of Trilateral Investment Agreement (2012)	13/05/2012	17/05/2014	Article 17 (c) The third Contracting Party may make submissions to the arbitral tribunal referred to in subparagraph (a) on a question of the interpretation of this Agreement, upon written notice to the disputing Parties.
EU - Iraq Cooperation Agreement (2012)	11/05/2012	01/08/2018	Article 75 At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, it deems appropriate for the arbitration panel proceeding. The arbitration panel also has the right to seek the relevant opinion of experts as it deems appropriate. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. Interested natural or legal persons established in the Parties' territories are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure.
Canada - Kuwait BIT (2011)	26/09/2011	19/02/2014	Article 28 2. The other Party to this Agreement shall have the right to attend any hearings held under Section C of this Agreement. Upon written notice to the disputing parties, the other Party may make submissions to a Tribunal on a question of interpretation of this Agreement.
EU - Korea, Republic of FTA	06/10/2010	01/07/2011	Article 14.15 At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, as it deems appropriate for the arbitration panel proceeding. The arbitration panel also has the right to seek the relevant opinion of experts as it deems appropriate. Any information obtained in this manner must be disclosed to both Parties which may submit comments. Interested natural or legal persons of the Parties are authorised to submit amicus

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			curiae briefs to the arbitration panel in accordance with Annex 14-B.
EFTA - Peru FTA	14/07/2010	01/07/2011	<p>Article 12.7</p> <p>A Party which is not a party to the dispute shall be entitled, on delivery of a written notice to the disputing Parties, to make written submissions to the panel, receive written submissions including annexes of the disputing Parties, attend hearings and make oral statements.</p>
Canada - Panama FTA	14/05/2010	01/04/2013	<p>Article 9.31</p> <p>1. A Tribunal has the authority to consider and accept written submissions from a person or entity that is not a disputing party with a significant interest in the arbitration. The Tribunal shall ensure that a non-disputing party submission does not disrupt the proceedings and does not unduly burden or unfairly prejudice either disputing party.</p> <p>2. An application to the Tribunal for leave to file a non-disputing party submission, and the filing of a submission, if allowed by the Tribunal, must be made in accordance with Annex 9.31.</p> <p>Annex 9.31</p> <p>Annex 9.31 Submissions by a Non-Disputing Party 1. The application for leave to file a non-disputing party submission shall:</p> <ul style="list-style-type: none"> • 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 five typed pages; • c. describe the applicant, including, where relevant, its membership and legal status (for example, company, trade association or other non-governmental organisation), its general objectives, the nature of its activities, and any parent organisation (including any organisation that directly or indirectly controls the applicant); • d. disclose whether the applicant has an affiliation, direct or indirect, with a disputing party; • e. identify any government, person or organisation that has provided financial or other assistance in preparing the submission; • f. specify the nature of the interest that the

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			<p>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 why the Tribunal should accept the submission; and • i. be made in a language of the arbitration. 2. The submission filed by a non-disputing party shall: • a. be dated and signed by the person filing the submission; • b. be concise, and not exceed 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.</p>
<p>Canada - Jordan BIT (200)</p>	<p>28/06/2009</p>	<p>14/12/2009</p>	<p>Article 35</p> <p>1. On written notice to the disputing parties, the non-disputing Party may make submissions to a Tribunal on a question of interpretation of this Agreement.</p> <p>2. The non-disputing Party shall have the right to attend any hearings held under this Section, whether or not it makes submissions to the Tribunal.</p>
<p>GCC - EFTA FTA (2009)</p>	<p>22/06/2009</p>	<p>01/07/2014</p>	<p>Article 8.4</p> <p>4. A Party which is not a Party to the dispute shall be entitled, on delivery of a written notice to the disputing Parties, to make written submissions to the arbitration panel, receive written submissions, including annexes, of the disputing Parties, attend hearings and make oral statements.</p>
<p>Canada - Romania BIT (2009)</p>	<p>08/05/2009</p>	<p>23/11/2011</p>	<p>Article III Annex C</p> <p>1. Any non-disputing party that is a person of a Contracting Party, or has a significant presence in the territory of a Contracting Party, that wishes to file a written submission with the tribunal (the "applicant") shall apply for leave from the tribunal to file such a submission, in accordance with the applicable Guidelines set out in Part IV of this Annex. The applicant shall attach the submission to the application.</p>
<p>Canada - Czech Republic BIT (2009)</p>	<p>06/05/2009</p>	<p>22/01/2012</p>	<p>Article II Annex B</p> <p>1. Upon the request of the Tribunal or both disputing parties, the non-disputing Contracting Party may make written submissions to the Tribunal, but only on a question</p>

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			of interpretation of this Agreement. All pleadings submitted to the Tribunal shall be made available to the non-disputing Contracting Party provided that it makes such a submission to the Tribunal. The non-disputing Contracting Party receiving information under this paragraph shall treat the information as if it were a disputing Contracting Party.
Canada - Latvia BIT (2009)	05/05/2009	24/11/2011	Article II Annex C 3. On written notice to the disputing parties, the non-disputing Contracting Party may make submissions to a Tribunal on a question of interpretation of this Agreement.
AANZFTA (2009)	27/02/2009	10/01/2010	Article 10 3. A Third Party shall have an opportunity to make at least one written submission to the arbitral tribunal and shall have an opportunity to be heard by the arbitral tribunal at its first substantive meeting with the Parties to the dispute. Any submissions or other documents submitted by Third Parties shall be simultaneously provided to the Parties to the dispute and other Third Parties.
Japan - Switzerland EPA (2009)	19/02/2009	01/09/2009	Article 94 10. Upon written notice to the disputing parties, the Party which is not the disputing Party may make submissions to the arbitral tribunal on a question of interpretation of this Chapter.
EU - SADC Interim Agreement	22/01/2009	-	Article 83 At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, it deems appropriate for the arbitration proceeding. The arbitration panel shall also have the right to seek the opinion of relevant experts as it deems appropriate. Interested entities are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure. Any information obtained in this manner must be disclosed to the Parties to the dispute and submitted for their comments.

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EU – Central Africa	-	-	<p>Article 81</p> <p>At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, which it deems appropriate for the arbitration procedure. The arbitration panel also has the right to seek the opinion of experts as it deems appropriate. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. Interested parties are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the rules of procedure.</p>
Colombia - EFTA FTA	25/11/2008	01/07/2011	<p>Article 12.7</p> <p>1. A Party which is not a party to the dispute shall be entitled, on delivery of a written notice to the disputing Parties and the panel, to make written submissions to the LXXXIX panel, receive written submissions including annexes of the disputing Parties, attend hearings and make oral statements.</p> <p>2. When delivering a written notice pursuant to paragraph 1, a third party to the dispute shall include an explanation of its particular interest in the dispute.</p> <p>3. When making oral statements or written submissions, a third party shall respect the equal rights of the disputing Parties and not introduce new matters that go beyond the terms of reference. The oral statements or written submissions of the third party shall assist the panel in the resolution of the dispute, in particular by providing an additional perspective or a particular knowledge or insight.</p> <p>4. The panel shall not consider oral statements or written submissions that do not meet the requirements set forth in paragraph 3. The panel is not required to address in its report the arguments made by the third party in its written submissions or oral statements.</p>
Canada - Colombia FTA	21/11/2008	15/08/2011	<p>Article 831</p> <p>1. A Tribunal shall have the authority to consider and accept written submissions from a person or entity that is not a disputing party and that has a significant interest in the</p>

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Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>arbitration. The Tribunal shall ensure that any non-disputing party submission does not disrupt the proceedings and that neither disputing party is unduly burdened or unfairly prejudiced by it.</p> <p>2. An application to the Tribunal for leave to file a non-disputing party submission, and the filing of a submission, if allowed by the Tribunal, shall be made in accordance with Annex 831.</p>
CARIFORUM - EC EPA	15/10/2008	01/01/2009	<p>Article 217</p> <p>At the request of a Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, it deems appropriate for the arbitration panel proceeding. The arbitration panel shall also have the right to seek the relevant opinion of experts as it deems appropriate. Interested parties are authorised to submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments.</p>
Australia - Chile FTA	30/07/2008	06/03/2009	<p>Article 10.20(2)</p> <p>The tribunal shall have the authority to accept and consider amicus curiae written submissions that may assist the tribunal in evaluating the submissions and arguments of the disputing parties from a person or entity that is not a disputing party (the “submitter”). The submissions shall be provided in both Spanish and English, and shall identify the submitter and any Party, other government, person, or organisation, other than the submitter, that has provided, or will provide, any financial or other assistance in preparing the submission. Where such submissions are admitted by the tribunal, the tribunal shall provide to the parties an opportunity to respond to such written submissions.</p>
Canada - Peru FTA	29/05/2008	01/08/2009	<p>Article 830</p> <p>A disputing Party shall deliver to the other Party a copy of the Notice of Intent to Submit a Claim to Arbitration and other documents, such as a Notice of Arbitration and</p>

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			<p>Statement of Claim, no later than 30 days after the date that such documents have been delivered to the disputing Party.</p> <p>Article 831</p> <p>1. The non-disputing Party shall be entitled, at its cost, to receive from the disputing Party a copy of:</p> <p>(a) the evidence that has been tendered to the Tribunal;</p> <p>(b) copies of all pleadings filed in the arbitration; and</p> <p>(c) the written argument of the disputing parties.</p> <p>2. The Party receiving information pursuant to paragraph 1 shall treat the information as if it were a disputing Party.</p> <p>Article 832</p> <p>1. On written notice to the disputing parties, the non-disputing Party may make submissions to a Tribunal on a question of interpretation of this Agreement.</p> <p>2. The non-disputing Party shall have the right to attend any hearings held under this Section, whether or not it makes submissions to the Tribunal.</p>
ASEAN - Japan	28/03/2008	01/12/2008	<p>Article 66</p> <p>1. Any Party having a substantial interest in a dispute before an arbitral tribunal and having notified its interest in writing to the parties to the dispute and the rest of the Parties shall have an opportunity to make written submissions to the arbitral tribunal. These submissions shall also be given to the parties to the dispute and may be reflected in the award of the arbitral tribunal.</p> <p>2. A third party shall receive the submissions of the parties to the dispute to the first meeting of the arbitral tribunal.</p> <p>3. If a third party considers that a measure that is already the subject of any arbitral tribunal proceedings nullifies or impairs benefits accruing to it under this Agreement, such</p>

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			third party may have recourse to normal dispute settlement procedures under this Chapter.
Rwanda - United States of America BIT	19/02/2008	01/01/2012	<p>Article 28</p> <p>2. The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Treaty.</p> <p>3. The tribunal shall have the authority to accept and consider amicus curiae submissions from a person or entity that is not a disputing party.</p>
Korea, Republic of - United States FTA	30/06/2007	15/03/2012	<p>Article 11.20</p> <p>5. After consulting the disputing parties, the tribunal may allow a party or entity that is not a disputing party to file a written amicus curiae submission with the tribunal regarding a matter within the scope of the dispute. In determining whether to allow such a filing, the tribunal shall consider, among other things, the extent to which:</p> <p>(a) the amicus curiae submission would assist the tribunal in the determination of a factual or legal issue related to the proceeding by bringing a perspective, particular knowledge, or insight that is different from that of the disputing parties;</p> <p>(b) the amicus curiae submission would address a matter within the scope of the dispute; and</p> <p>(c) the amicus curiae has a significant interest in the proceeding.</p> <p>The tribunal shall ensure that the amicus curiae submission does not disrupt the proceeding or unduly burden or unfairly prejudice either disputing party, and that the disputing parties are given an opportunity to present their observations on the amicus curiae submission.</p>
Panama - United States FTA	28/06/2007	31/10/2012	<p>Article 10.20</p> <p>3. The tribunal shall have the authority to accept and consider amicus curiae submissions from a person or entity that is not a disputing party.</p>

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India – Mexico BIT	21/05/2007	23/02/2008	<p>Article 27</p> <p>6. An arbitral tribunal shall be open to the receipt of amicus curiae submissions in accordance with the process set out in Annex A.</p> <p>Annex A – Article 8</p> <p>(1) The tribunal shall have the authority to accept and consider amicus curiae submissions from a person or entity that is not a disputing party (the “submitter”). (2) The submissions shall be provided in English, French or Portuguese in the principal language of the host state, and shall identify the submitter and any Party, other government, person, or organisation, other than the submitter, that has provided, or will provide, any financial or other assistance in preparing the submission. (3) The CCIA Committee may establish and make available to the public a standard form for applying for status as amicus curiae. This may include specific criteria which will help guide a tribunal in determining whether to accept a submission in any given instance. (4) Amicus curiae submissions may relate to any matter covered by this Agreement that is relevant to the claim before the tribunal.</p> <p>Annex A - Article 9: Transparency of Arbitral Proceedings</p> <p>(1) Subject to Paragraphs (2) and (4), the claimant and respondent shall, after sending the following documents to the other disputing party, promptly transmit them to the Secretariat which shall make them available to the public including by Internet: (a) the notice of intention; (b) any settlement agreement resulting from alternative dispute resolution processes; (c) the notice of arbitration; (d) pleadings, memorials and briefs submitted to the tribunal by a disputing party and any written submissions submitted pursuant to this Annex or the Rules of Arbitration; (e) minutes or transcripts of hearings of the tribunal, where available; and (f) all orders, awards, and decisions of the tribunal.</p>
CEFTA	19/12/2006	22/11/2007	Article 43(2)

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			<p>The Arbitral Tribunal shall settle the dispute in accordance with the provisions of this Agreement and any other applicable rules of international law. The Tribunal will consider amicus curiae briefs from a Party not involved in the dispute.</p>
<p>Canada - Peru BIT</p>	<p>14/11/2006</p>	<p>20/06/2007</p>	<p>Article 10.20</p> <p>2. A non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement.</p> <p>9. (a) In any arbitration conducted under this Section, at the request of a disputing party, a tribunal shall, before issuing a decision or award on liability, transmit its proposed decision or award to the disputing parties and to the non-disputing Parties. Within 60 days after the tribunal transmits its proposed decision or award, the disputing parties may submit written comments to the tribunal concerning any aspect of its proposed decision or award. The tribunal shall consider any such comments and issue its decision or award not later than 45 days after the expiration of the 60-day comment period. (b) Subparagraph (a) shall not apply in any arbitration conducted pursuant to this Section for which an appeal has been made available pursuant to paragraph 10 or Annex 10-D.</p> <p>Article 10.21</p> <p>1. Subject to paragraphs 2 and 4, the respondent shall, after receiving the following documents, promptly transmit them to the non-disputing Parties and make them available to the public: (a) the notice of intent; (b) the notice of arbitration; (c) pleadings, memorials, and briefs submitted to the tribunal by a disputing party and any written submissions submitted pursuant to Article 10.20.2 and 10.20.3 and Article 10.25; (d) minutes or transcripts of hearings of the tribunal, where available; and 10-18 (e) orders, awards, and decisions of the tribunal.</p>
<p>Nicaragua - Taiwan</p>	<p>23/06/2006</p>	<p>01/01/2008</p>	<p>Article 10.20(2)</p>

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Treaty	Date of Signature	Entry into Force	Relevant Provision
Province of China FTA			The tribunal shall have the authority to accept and consider amicus curiae submissions from a person or entity that is not a disputing party.
Peru - United States FTA	12/04/2006	01/02/2009	Article 10.20(3) The tribunal shall have the authority to accept and consider amicus curiae submissions from a person or entity that is not a disputing party. Each submission shall identify the author and any person or entity that has provided, or will provide, any financial or other assistance in preparing the submission.
Oman - US FTA	19/01/2006	01/01/2009	Article 10.19(2/3/9), 10.20 The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement.
Japan - Malaysia EPA	13/12/2005	13/07/2006	Article 85(13) 13. On written notice to the disputing parties, the Country other than the disputing Country may make submission to the arbitral tribunal on a question of interpretation of this Agreement.
United States of America - Uruguay BIT	04/11/2005	01/11/2006	Article 28 2. The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Treaty. 3. The tribunal shall have the authority to accept and consider amicus curiae submissions from a person or entity that is not a disputing party.
P4 Agreement	18/07/2005	28/05/2006	Annex 15.B Model Rules of Procedure for Arbitral Tribunals 33. The arbitral tribunal shall have the authority to accept and consider amicus curiae submissions from any persons and entities in the territories of the disputing Parties and from interested persons and entities outside the territory of the disputing Parties.

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Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>34. Any such submissions shall fulfil the following requirements: be made within 10 days following the composition of the arbitral tribunal; are concise and in no case longer than 15 typed pages, included any annexes; and are directly relevant to the factual and legal issue under consideration by the arbitral tribunal.</p> <p>35. The submission shall contain a description of the person, whether natural or legal, making the submission, including the nature of its activities and the source of its financing, and specify the nature of the interest that that person has in the arbitration proceeding.</p> <p>36. The arbitral tribunal shall list in its ruling all the submissions that it has received and that conform to the provisions of the above rules.</p>
Japan - Mexico EPA	17/09/2004	01/04/2005	<p>Article 86</p> <p>On written notice to the disputing parties, the Party other than the disputing Party may make submissions to a Tribunal on a question of interpretation of this Agreement.</p>
CAFTA - DR	05/08/2004	01/03/2006	<p>Article 10.20 (2-3)</p> <p>2. A non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement.</p> <p>3. The tribunal shall have the authority to accept and consider amicus curiae submissions from a person or entity that is not a disputing party.</p> <p>Article 10.21</p>
EFTA - Lebanon FTA	24/06/2004	01/01/2007	<p>Article 34(6)</p> <p>6. A Party that is not a party to the dispute, on delivery of a written notice to the disputing Parties, shall be entitled to receive written submissions of the disputing Parties and attend all hearings.</p>
Morocco - United States FTA	15/06/2004	01/01/2006	<p>Article 10.19</p>

Annex 3 – Treaty provisions

Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>2. The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement.</p> <p>3. The tribunal shall have the authority to accept and consider amicus curiae submissions from a person or entity that is not a disputing party</p> <p>Articles 10.20 (1/4) and 10.25(8)</p>
Panama - Taiwan Province of China FTA (2003)	21/08/2003	01/01/2004	<p>Article 10.29</p> <p>On written notice to the disputing parties, a Party may make submissions to a Tribunal on a question of interpretation of this Agreement.</p>
Chile - US FTA	06/06/2003	01/01/2004	<p>Article 10.19</p> <p>2. The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement.</p> <p>3. The tribunal shall have the authority to accept and consider amicus curiae submissions from a person or entity that is not a disputing party (the “submitter”). The submissions shall be provided in both Spanish and English, and shall identify the submitter and any Party, other government, person, or organisation, other than the submitter, that has provided, or will provide, any financial or other assistance in preparing the submission.</p> <p>Article 10.20</p>
Singapore - US FTA	06/05/2003	01/01/2004	<p>Article 15.19</p> <p>2. The non-disputing Party may make oral and written submissions to the tribunal regarding the interpretation of this Agreement.</p> <p>3. The tribunal shall have the authority to accept and consider amicus curiae submissions from any persons and entities in the territories of the Parties and from interested persons and entities outside the territories of the Parties.</p> <p>Article 15.20</p>

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Treaty	Date of Signature	Entry into Force	Relevant Provision
NAFTA	17/12/1992	01/01/1994	Article 1128 Participation by a Party On written notice to the disputing parties, a Party may make submissions to a Tribunal on a question of interpretation of this Agreement
Arab Investment Agreement	26/11/1980	07/09/1981	Article 33(2) Where a person who is not party to an action and yet who is subject to the jurisdiction of the Court believes that his interests will be affected by the judgement in the action, he may submit a request to intervene as a third party. The Court shall decide on the request.
Colombia-Peru BIT	11/12/2007	30/12/20210	Article 26 1. El demandado entregará a la Parte no contendiente una copia de la Notificación de Intención para someter una reclamación a arbitraje y otros documentos, como la Notificación de Arbitraje, no más tarde de treinta (30) días luego de la fecha en que dichos documentos fueron entregados al demandado. 2. La Parte no contendiente tendrá derecho, por su cuenta, de recibir del demandado una copia de (a) la evidencia que ha sido presentada al Tribunal; (b) copias de todos los alegatos presentadas en el arbitraje, y (c) el argumento escrito de las partes contendientes. 3. La Parte no contendiente tendrá derecho a asistir a cualquier audiencia sostenida bajo esta Sección, independientemente de que haga o no entregas a este Tribunal. 4. Sujeto a los párrafos 6 y 8, el demandado luego de recibir los siguientes documentos, los entregara con prontitud a la Parte no contendiente y los pondrá a disposición del público: [...]
Colombia, El Salvador, Guatemala and Honduras FTA	09/08/2007	13/11/2009	Articles 12.23 2. Una Parte no contendiente puede presentar comunicaciones orales o escritas ante el Tribunal respecto a la interpretación de este Tratado.

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Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>3. El Tribunal estará facultado para aceptar y considerar comunicaciones amicus curiae que provengan de una persona o entidad que no sea una parte 12-20 contendiente. Cada comunicación deberá presentarse en idioma español o con una traducción al mismo e identificar su titular y cualquier persona u organización que ha proveído o proveerá cualquier asistencia financiera o de otro tipo en la preparación de la comunicación.</p> <p>4. Para aceptar y considerar una comunicación amicus curiae, el Tribunal deberá asegurarse: (a) que los asuntos en controversia sean de interés público, y cuya resolución podría afectar, directa o indirectamente, a personas distintas de las partes contendientes; y (b) que la persona o entidad que presente la comunicación amicus curiae pruebe ante el Tribunal un interés legítimo para presentar la comunicación y le demuestre poseer conocimientos especializados y la independencia necesaria para que su comunicación sea de asistencia al Tribunal.</p> <p>Articles 12.24</p> <p>1. Con sujeción a los párrafos 2 y 4, el demandado entregará con prontitud a las Partes no contendientes los siguientes documentos y los pondrá a disposición del público: (a) la notificación de intención; (b) la solicitud de arbitraje; (c) los alegatos, escritos de demanda y notas explicativas presentados al Tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con los Artículos 12.23 y 12.28; (d) las actas o transcripciones de las audiencias del Tribunal, cuando estén disponibles; y (e) las órdenes, laudos y decisiones del Tribunal.</p>
Chile-Colombia FTA	27/11/2006	08/05/2009	<p>Article 9.20</p> <p>2. La Parte no contendiente podrá presentar comunicaciones orales o escritas ante el Tribunal con respecto a la interpretación de este Acuerdo.</p> <p>3. El Tribunal estará facultado para aceptar y considerar informes amicus curiae que provengan de una persona o entidad que no sea parte contendiente ("el titular del informe"). Dichos informes deberán hacerse en español y</p>

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Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>deberán identificar al titular del informe y cualquier Parte u otro gobierno, persona u organización, aparte del titular del informe, que ha proveído o proveerá cualquier asistencia financiera o de otro tipo en la preparación del informe.</p> <p>Article 9.21</p> <p>1. Con sujeción a los párrafos 2 y 4, el demandado entregará con prontitud a las Partes no contendientes los siguientes documentos y los pondrá a disposición del público: (a) la notificación de intención; (b) la solicitud de arbitraje; (c) los alegatos, escritos de demanda y notas explicativas presentados al Tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con los Artículos 9.20.2 y 3 y el Artículo 9.25; (d) las actas o transcripciones de las audiencias del Tribunal, cuando estén disponibles; y (e) las órdenes, laudos y decisiones del Tribunal.</p>
<p>Chile-Peru FTA</p>	<p>22/08/2006</p>	<p>01/03/2009</p>	<p>Article 11.20</p> <p>2. La Parte no contendiente podrá presentar comunicaciones orales o escritas ante el Tribunal con respecto a la interpretación de este Acuerdo.</p> <p>3. El Tribunal estará facultado para aceptar y considerar informes amicus curiae que provengan de una persona o entidad que no sea parte contendiente ("el titular del informe"). Dichos informes deberán hacerse en español y deberán identificar al titular del informe y cualquier Parte u otro gobierno, persona u organización, aparte del titular del informe, que ha proveído o proveerá cualquier asistencia financiera o de otro tipo en la preparación del informe.</p> <p>Article 11.21</p> <p>1. Con sujeción a los párrafos 2 y 4, el demandado, después de recibir los siguientes documentos, los entregará con prontitud a la Parte no contendiente y los pondrá a disposición del público: (a) la notificación de intención a que se refiere el artículo 11.16.3; (b) la notificación de arbitraje a que se refiere el artículo 11.16.5; (c) los alegatos, escritos de demanda y otros documentos presentados al Tribunal por una parte contendiente y cualquier comunicación escrita</p>

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Treaty	Date of Signature	Entry into Force	Relevant Provision
			presentada de conformidad con el artículo 11.20.2 y 11.20.3 y el artículo 11.25; (d) las actas o transcripciones de las audiencias del Tribunal, cuando estén disponibles; y las ordenes, fallos y laudos del Tribunal.
Colombia-Spain BIT	16/09/2021		<p>Article 23</p> <p>El Reglamento de la CNUDMI sobre la Transparencia en los Arbitrajes entre Inversionistas y Estados en el Marco de un Tratado (Reglas de Transparencia CNUDMI) se aplicará a los procedimientos de resolución de disputas entre Inversionista y Estado bajo este Acuerdo, sujeto a cualesquiera excepciones que sean de aplicación bajo la legislación del Estado demandado, incluidas aquellas aplicables a procedimientos ante tribunales domésticos.</p>
Argentina-Chile FTA	02/11/2017	01/05/2019	<p>Article 8.32</p> <p>1. Sujeto a los párrafos 4, 5 y 6, el demandado entregará a la Parte no contendiente y pondrá a disposición del público, los siguientes documentos: (a) La notificación de intención; (b) La solicitud de arbitraje, y (c) Las órdenes, laudos y decisiones del tribunal.</p> <p>2. Sujeto a los párrafos 4, 5 Y6, las partes contendientes podrán acordar entregar a la Parte no contendiente y poner a disposición del público, los siguientes documentos: (a) La publicación de los alegatos, escritos y comunicaciones presentados al tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con el Artículo 8.31, Y (b) Las minutas o transcripciones de las audiencias del tribunal, cuando estén disponibles.</p>
Honduras-Peru FTA	29/05/2015	01/01/2017	<p>Article 12.21</p> <p>2. El tribunal estará facultado para aceptar y considerar comunicaciones escritas amicus curiae que provengan de una persona o entidad que no sea una parte contendiente. Cualquier parte no contendiente que desee formular comunicaciones escritas ante un tribunal (el solicitante) puede solicitar el permiso del tribunal, de conformidad con el Anexo 12.21.</p> <p>Article 12.22</p>

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Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>1. Sujeto a los párrafos 2 y 4, el demandado luego de recibir los siguientes documentos, los pondrá a disposición de la parte no contendiente y del público: (a) la notificación de intención mencionada en el Artículo 12.16.2; (b) la notificación de arbitraje mencionada en el Artículo 12.16.5; (c) los alegatos, escritos de demanda y notas explicativas presentados al tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con el Artículo 12.21 y Artículo 12.26; (d) las órdenes, laudos y decisiones del tribunal; y (e) las actas o transcripciones de las audiencias del tribunal, cuando estén disponibles.</p> <p>Annex 12.21</p> <p>1. La solicitud para autorizar las comunicaciones escritas de una parte no contendiente deberá presentarse dentro del plazo establecido por el tribunal y deberá: (a) hacerse por escrito, estar fechada y firmada por el solicitante, e incluir la dirección así como otros detalles de contacto del solicitante; (b) tener una extensión no mayor de cinco (5) páginas; (c) describir al solicitante, incluyendo cuando sea pertinente, su condición de socio, así como su status jurídico (por ejemplo, empresa, asociación comercial u otra organización no gubernamental), sus objetivos generales, la naturaleza de sus actividades así como cualquier organización matriz (incluyendo toda organización que el solicitante controle directa o indirectamente); (d) dar a conocer si el solicitante tiene afiliación alguna, directa o indirectamente, con alguna parte contendiente; (e) identificar a todo gobierno, persona u organización que haya proporcionado asistencia financiera o de cualquier otra índole durante la preparación de la presentación; (f) especificar la naturaleza del interés que el solicitante tiene en el arbitraje; (g) identificar los temas específicos de hecho o de derecho en el arbitraje al que el solicitante haya hecho referencia en su comunicación escrita; y (h) redactarse en el idioma del arbitraje. 2. La comunicación escrita de una parte no contendiente deberá: (a) presentarse dentro del plazo establecido por el tribunal; (b) estar fechada y firmada por el solicitante; (c) ser concisa y en ningún caso deberá exceder las veinte (20) páginas escritas, incluyendo anexos y apéndices; (d) fundamentar</p>

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			<p>debidamente su posición; y (e) sólo hacer referencia a los temas indicados en su solicitud, conforme al subpárrafo 1 (g).</p>
<p>Mexico-Panama FTA</p>	<p>03/04/2014</p>	<p>01/07/2015</p>	<p>Article 10.21.2</p> <p>Una Parte no contendiente podrá presentar comunicaciones orales o escritas ante el Tribunal con respecto a la interpretación de este Tratado.</p> <p>Article 10.21.9</p> <p>A solicitud de cualquiera de las partes contendientes, el Tribunal, antes de dictar una decisión o laudo sobre responsabilidad, comunicará su propuesta de decisión o laudo a las partes contendientes y a la Parte no contendiente.</p> <p>Article 10.22.1</p> <p>Sujeto a los párrafos 2 y 4, el demandado después de recibir los siguientes documentos, pondrá a disposición de la Parte no contendiente y del público: (a) la notificación de intención mencionada en el Artículo 10.17 (2); (b) la notificación de arbitraje mencionada en el Artículo 10.17 (4); (c) los alegatos, escritos de demanda y notas explicativas presentados al Tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con el Artículo 10.21 y el Artículo 10.26; (d) las órdenes, laudos y decisiones del Tribunal, y (e) las actas o transcripciones de las audiencias del Tribunal, cuando estén disponibles.</p> <p>Article 10.22.4</p> <p>Cualquier información protegida que sea sometida al Tribunal será protegida de divulgación de acuerdo con los siguientes procedimientos: (a) de conformidad con el subpárrafo (d), ni las partes contendientes ni el Tribunal revelarán a la Parte no contendiente o al público ninguna información protegida, cuando la parte contendiente que proporciona la información la designe claramente de esa manera de conformidad con el subpárrafo (b).</p>

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<p>Pacific Alliance Additional Protocol</p>	<p>10/02/2014</p>	<p>01/05/2016</p>	<p>Article 10.20.2</p> <p>Una Parte no contendiente podrá presentar comunicaciones orales o escritas ante el tribunal con respecto a la interpretación del presente Protocolo Adicional.</p> <p>Article 10.20.11</p> <p>A solicitud de cualquiera de las partes contendientes, el tribunal, antes de dictar una decisión o el laudo sobre la responsabilidad, comunicará su propuesta de decisión o laudo a las partes contendientes y a la parte no contendiente.</p> <p>Article 10.21. 1</p> <p>Sujeto a los párrafos 2 y 4, el demandado después de recibir los siguientes documentos, los entregará sin demora a las partes no contendientes y los pondrá a disposición del público: 10-21 (a) la Notificación de Intención a que se refiere el Artículo 10.16.2; (b) la Notificación de Arbitraje a que se refiere el Artículo 10.16.4; (c) los alegatos, escritos de demanda y notas explicativas presentados al tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con el Artículo 10.20.2 y 10.20.3 y Artículo 10.25; (d) las actas o transcripciones de las audiencias del tribunal, cuando estén disponibles, y (e) las órdenes, laudos y decisiones del tribunal.</p> <p>Article 10.21.4</p> <p>Cualquier información protegida que sea sometida al tribunal no será divulgada de acuerdo con los siguientes procedimientos: (a) de conformidad al subpárrafo (d), ni las partes contendientes ni el tribunal revelarán a la parte no contendiente o al público ninguna información protegida, cuando la parte contendiente que proporciona la información la designe claramente de esa manera de acuerdo con el subpárrafo (b); (b) cualquier parte contendiente que reclame que determinada información constituye información protegida, la designará claramente al momento de ser presentada al tribunal; (c) una parte contendiente deberá, en el mismo momento que presenta un documento que contiene información alegada como</p>

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			información protegida, presentar una versión redactada del documento que no contenga la información. Sólo la versión redactada será proporcionada a las partes no contendientes y será pública de acuerdo al párrafo 1.
Colombia-Panama FTA	20/09/2013		<p>Article 14.26.2</p> <p>La Parte no contendiente tiene el derecho de asistir a cualquiera de las audiencias efectuadas de conformidad con la presente Sección. Previo acuerdo entre las partes contendientes, la otra Parte podrá hacer presentaciones orales o escritas a un Tribunal sobre un asunto relativo a la interpretación del presente Acuerdo</p> <p>Article 14.30.2</p> <p>Toda solicitud al Tribunal de autorizar a una parte no contendiente a presentar escritos, así como la presentación de dichos escritos, de autorizarla el Tribunal, se hará de conformidad con el Anexo 14-C.</p>
Colombia-Costa Rica FTA	22/05/2013	01/08/2016	<p>Article 12.22</p> <p>El tribunal estará facultado para aceptar y considerar comunicaciones escritas amicus curiae que provengan de una persona o entidad que sea una parte no contendiente. Cualquier parte no contendiente que desee formular comunicaciones escritas ante un tribunal (el solicitante) puede solicitar el permiso del tribunal, de conformidad con el Anexo 12-D.</p> <p>Article 12.23.1</p> <p>Sujeto a los párrafos 2 y 4, el demandado, luego de recibir los siguientes documentos, los pondrá a disposición de la parte no contendiente y del público: (a) la notificación de intención mencionada en el Artículo 12.17.2; (b) la notificación de arbitraje mencionada en el Artículo 12.17.5; (c) los alegatos, escritos de demanda y notas explicativas presentados al tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con el Artículo 12.22 y Artículo 12.27; (d) las órdenes, laudos y decisiones del tribunal; y (e) las actas o</p>

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Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>transcripciones de las audiencias del tribunal, cuando estén disponibles.</p> <p>Annex 12-D</p> <p>1. Para determinar si se concede el permiso para formular la presentación de una parte no contendiente, el tribunal debe considerar, entre otras cosas, la medida en la cual: (a) la presentación de la parte no contendiente ayudaría al tribunal en la determinación de una cuestión legal o fáctica relacionada al arbitraje al brindar una perspectiva, un conocimiento particular, un entendimiento que sea diferente del de las partes contendientes; (b) la presentación de la parte no contendiente trataría una cuestión dentro del ámbito de la disputa; (c) la parte no contendiente tendría un interés significativo en el arbitraje; y (d) existiría un interés público en la materia objeto del arbitraje.</p> <p>2. El tribunal debe asegurar que: (a) cualquier presentación de una parte no contendiente no interrumpa los procedimientos; y (b) ninguna parte contendiente sea indebidamente recargada o perjudicada injustamente por tales presentaciones.</p> <p>3. La solicitud de autorización para presentar las comunicaciones escritas de una parte no contendiente deberá presentarse dentro del plazo establecido por el tribunal y deberá: (a) hacerse por escrito, estar fechada y firmada por el solicitante, e incluir la dirección así como otros detalles de contacto del solicitante; (b) tener una extensión no mayor de cinco páginas; (c) describir al solicitante, incluyendo cuando sea pertinente, su condición de socio, así como su status jurídico (por ejemplo, empresa, asociación comercial u otra organización no gubernamental), sus objetivos generales, la naturaleza de sus actividades así como cualquier organización matriz (incluyendo toda organización que el solicitante controle directa o indirectamente); (d) dar a conocer si el solicitante tiene afiliación alguna, directa o indirectamente, con alguna parte contendiente; 12D-2 (e) identificar a todo gobierno, persona u organización que haya proporcionado asistencia financiera o de cualquier otra índole durante la preparación de la presentación; (f) especificar la naturaleza del interés</p>

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			<p>que el solicitante tiene en el arbitraje; (g) identificar los temas específicos de hecho o de derecho en el arbitraje a los que el solicitante hará referencia en su comunicación escrita; (h) redactarse en el idioma del arbitraje.</p> <p>4. La comunicación escrita de una parte no contendiente deberá: (a) presentarse dentro del plazo establecido por el tribunal; (b) estar fechada y firmada por el solicitante; (c) ser concisa y en ningún caso deberá exceder las 20 páginas, incluyendo anexos y apéndices; (d) fundamentar debidamente su posición; y (e) sólo hacer referencia a los temas indicados en su solicitud, conforme al párrafo 3(g).</p>
<p>Guatemala-Peru FTA</p>	<p>06/12/2011</p>		<p>Article 12.21.2</p> <p>El tribunal estará facultado para aceptar y considerar comunicaciones escritas amicus curiae que provengan de una persona o entidad que sea una parte no contendiente. Cualquier parte no contendiente que desee formular comunicaciones escritas ante un tribunal (el solicitante) puede solicitar el permiso del tribunal, de conformidad con el Anexo 12.21.</p> <p>Article 12.22.1</p> <p>Sujeto a los párrafos 2 y 4, el demandado luego de recibir los siguientes documentos, los pondrá a disposición de la parte no contendiente y del público: (a) la notificación de intención mencionada en el Artículo 12.16.2; (b) la notificación de arbitraje mencionada en el Artículo 12.16.5; (c) los alegatos, escritos de demanda y notas explicativas presentados al tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con el Artículo 12.21 y Artículo 12.26; (d) las órdenes, laudos y decisiones del tribunal; y (e) las actas o transcripciones de las audiencias del tribunal, cuando estén disponibles.</p> <p>Annex 12.21</p> <p>1. La solicitud de autorización para presentar las comunicaciones escritas de una parte no contendiente deberá presentarse dentro del plazo establecido por el tribunal y deberá: (a) hacerse por escrito, estar fechada y</p>

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			<p>firmada por el solicitante, e incluir la dirección así como otros detalles de contacto del solicitante; (b) tener una extensión no mayor de cinco (5) páginas; (c) describir al solicitante, incluyendo cuando sea pertinente, su condición de socio, así como su status jurídico (por ejemplo, empresa, asociación comercial u otra organización no gubernamental), sus objetivos generales, la naturaleza de sus actividades así como cualquier organización matriz (incluyendo toda organización que el solicitante controle directa o indirectamente); (d) dar a conocer si el solicitante tiene afiliación alguna, directa o indirectamente, con alguna parte contendiente; (e) identificar a todo gobierno, persona u organización que haya proporcionado asistencia financiera o de cualquier otra índole durante la preparación de la presentación; (f) especificar la naturaleza del interés que el solicitante tiene en el arbitraje; (g) identificar los temas específicos de hecho o de derecho en el arbitraje a los que el solicitante hará referencia en su comunicación escrita; (h) redactarse en el idioma del arbitraje.</p> <p>2. La comunicación escrita de una parte no contendiente deberá: (a) presentarse dentro del plazo establecido por el tribunal; (b) estar fechada y firmada por el solicitante; (c) ser concisa y en ningún caso deberá exceder de veinte (20) páginas, incluyendo anexos y apéndices; (d) fundamentar debidamente su posición; y (e) sólo hacer referencia a los temas indicados en su solicitud, conforme al subpárrafo 1 (g).</p>
<p>Central America-Mexico FTA</p>	<p>22/11/2011</p>	<p>01/09/2012</p>	<p>Article 11.24.2</p> <p>Una Parte no contendiente podrá presentar comunicaciones orales o escritas ante el tribunal con respecto a la interpretación de este Tratado. Para estos efectos, las partes contendientes y el tribunal podrán incluir en el calendario procesal un plazo para la presentación de dichas comunicaciones.</p> <p>Article 11.24.3</p> <p>El tribunal estará facultado para aceptar y considerar comunicaciones amicus curiae que provengan de una persona o entidad que no sea una parte contendiente.</p>

Annex 3 – Treaty provisions

Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>Article 11.25.1</p> <p>Sujeto a los párrafos 2 y 4, el demandado, después de recibir los siguientes documentos, los entregará tan pronto como sea posible a las Partes no contendientes y los pondrá a disposición del público: (a) la notificación de intención; XI-23 (b) la notificación de arbitraje; (c) los alegatos, escritos de demanda y notas explicativas presentados al tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con los artículos 11.24.2, 11.24.3 y 11.29; (d) las actas o transcripciones de las audiencias del tribunal, cuando estén disponibles; y (e) las órdenes, laudos y decisiones del tribunal.</p> <p>Article 11.25.4</p> <p>Cualquier información protegida que sea sometida al tribunal deberá ser protegida de divulgación de conformidad con los siguientes procedimientos: (a) sujeto al inciso (d), ni las partes contendientes ni el tribunal revelarán a ninguna Parte no contendiente o al público ninguna información protegida cuando la parte contendiente que proporciona la información la designe claramente de esa manera de conformidad con el inciso (b); (b) cualquier parte contendiente que reclame que determinada información constituye información protegida, la designará claramente al momento de ser presentada al tribunal; (c) una parte contendiente deberá, en el mismo momento que presenta un documento que contiene información alegada como información protegida, presentar una versión redactada del documento que no contenga la información. Solo la versión redactada será proporcionada a las Partes no contendientes y será pública de conformidad con el párrafo 1.</p>
Costa Rica – Peru FTA	26/05/2011	01/06/2013	<p>Article 12.21.2</p> <p>El tribunal estará facultado para aceptar y considerar comunicaciones escritas amicus curiae que provengan de una persona o entidad que sea una parte no contendiente. Cualquier parte no contendiente que desee formular comunicaciones escritas ante un tribunal (el solicitante) puede solicitar el permiso del tribunal, de conformidad con el Anexo 12.21.</p>

Annex 3 – Treaty provisions

Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>Article 12.22.1</p> <p>Sujeto a los párrafos 2 y 4, el demandado luego de recibir los siguientes documentos, los pondrá a disposición de la parte no contendiente y del público: (a) la notificación de intención mencionada en el Artículo 12.16.2; (b) la notificación de arbitraje mencionada en el Artículo 12.16.5; (c) los alegatos, escritos de demanda y notas explicativas presentados al tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con el Artículo 12.21 y Artículo 12.26; (d) las órdenes, laudos y decisiones del tribunal; y (e) las actas o transcripciones de las audiencias del tribunal, cuando estén disponibles.</p> <p>Article 12.22.4</p> <p>Cualquier información protegida que sea sometida al tribunal será protegida de divulgación de acuerdo con los siguientes procedimientos: (a) de conformidad al subpárrafo (d), ni las partes contendientes ni el tribunal revelarán a la Parte del demandante o al público ninguna información protegida, cuando la parte contendiente que proporciona la información la designe claramente de esa manera de acuerdo con el subpárrafo (b); 12-20 (b) cualquier parte contendiente que reclame que determinada información constituye información protegida, lo designará claramente al momento de ser presentada al tribunal; (c) una parte contendiente deberá, en el mismo momento que presenta un documento que contiene información alegada como información protegida, presentar una versión redactada del documento que no contenga la información. Sólo la versión redactada será proporcionada a las partes no contendientes y será pública de acuerdo al párrafo 1.</p> <p>Annex 12.21</p> <p>1. La solicitud de autorización para presentar las comunicaciones escritas de una parte no contendiente deberá presentarse dentro del plazo establecido por el tribunal y deberá: (a) hacerse por escrito, estar fechada y firmada por el solicitante, e incluir la dirección así como otros detalles de contacto del solicitante; (b) tener una</p>

Annex 3 – Treaty provisions

Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>extensión no mayor de cinco (5) páginas; (c) describir al solicitante, incluyendo cuando sea pertinente, su condición de socio, así como su status jurídico (por ejemplo, empresa, asociación comercial u otra organización no gubernamental), sus objetivos generales, la naturaleza de sus actividades así como cualquier organización matriz (incluyendo toda organización que el solicitante controle directa o indirectamente); (d) dar a conocer si el solicitante tiene afiliación alguna, directa o indirectamente, con alguna parte contendiente; (e) identificar a todo gobierno, persona u organización que haya proporcionado asistencia financiera o de cualquier otra índole durante la preparación de la presentación; (f) especificar la naturaleza del interés que el solicitante tiene en el arbitraje; (g) identificar los temas específicos de hecho o de derecho en el arbitraje a los que el solicitante hará referencia en su comunicación escrita; (h) redactarse en el idioma del arbitraje.</p> <p>2. La comunicación escrita de una parte no contendiente deberá: (a) presentarse dentro del plazo establecido por el tribunal; (b) estar fechada y firmada por el solicitante; (c) ser concisa y en ningún caso deberá exceder de veinte (20) páginas, incluyendo anexos y apéndices; (d) fundamentar debidamente su posición; y (e) sólo hacer referencia a los temas indicados en su solicitud, conforme al subpárrafo 1 (g).</p>
<p>Peru-Panama FTA</p>	<p>25/05/2011</p>	<p>01/05/2012</p>	<p>Article 12.21.2</p> <p>El tribunal estará facultado para aceptar y considerar comunicaciones escritas amicus curiae que provengan de una persona o entidad que sea una parte no contendiente. Cualquier parte no contendiente que desee formular comunicaciones escritas ante un tribunal (el solicitante) puede solicitar el permiso del tribunal, de conformidad con el Anexo 12.21.</p> <p>Article 12.22.1</p> <p>Sujeto a los párrafos 2 y 4, el demandado luego de recibir los siguientes documentos, los pondrá a disposición de la parte no contendiente y del público: (a) la notificación de intención mencionada en el Artículo 12.16.2; (b) la</p>

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Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>notificación de arbitraje mencionada en el Artículo 12.16.5; (c) los alegatos, escritos de demanda y notas explicativas presentados al tribunal por una parte contendiente y cualquier comunicación escrita presentada de conformidad con el Artículo 12.21 y Artículo 12.26; (d) las órdenes, laudos y decisiones del tribunal; y (e) las actas o transcripciones de las audiencias del tribunal, cuando estén disponibles.</p> <p>Article 12.22.4</p> <p>Cualquier información protegida que sea sometida al tribunal será protegida de divulgación de acuerdo con los siguientes procedimientos: (a) de conformidad al subpárrafo (d), ni las partes contendientes ni el tribunal revelarán a la Parte del demandante o al público ninguna información protegida, cuando la parte contendiente que proporciona la información la designe claramente de esa manera de acuerdo con el subpárrafo (b); 12-20 (b) cualquier parte contendiente que reclame que determinada información constituye información protegida, lo designará claramente al momento de ser presentada al tribunal; (c) una parte contendiente deberá, en el mismo momento que presenta un documento que contiene información alegada como información protegida, presentar una versión redactada del documento que no contenga la información. Sólo la versión redactada será proporcionada a las partes no contendientes y será pública de acuerdo al párrafo 1.</p> <p>Annex 12.21</p> <p>1. La solicitud de autorización para presentar las comunicaciones escritas de una parte no contendiente deberá presentarse dentro del plazo establecido por el tribunal y deberá: (a) hacerse por escrito, estar fechada y firmada por el solicitante, e incluir la dirección así como otros detalles de contacto del solicitante; (b) tener una extensión no mayor de cinco (5) páginas; (c) describir al solicitante, incluyendo cuando sea pertinente, su condición de socio, así como su status jurídico (por ejemplo, empresa, asociación comercial u otra organización no gubernamental), sus objetivos generales, la naturaleza de sus actividades así como cualquier organización matriz</p>

Annex 3 – Treaty provisions

Treaty	Date of Signature	Entry into Force	Relevant Provision
			<p>(incluyendo toda organización que el solicitante controle directa o indirectamente); (d) dar a conocer si el solicitante tiene afiliación alguna, directa o indirectamente, con alguna parte contendiente; (e) identificar a todo gobierno, persona u organización que haya proporcionado asistencia financiera o de cualquier otra índole durante la preparación de la presentación; (f) especificar la naturaleza del interés que el solicitante tiene en el arbitraje; (g) identificar los temas específicos de hecho o de derecho en el arbitraje a los que el solicitante hará referencia en su comunicación escrita; (h) redactarse en el idioma del arbitraje.</p> <p>2. La comunicación escrita de una parte no contendiente deberá: (a) presentarse dentro del plazo establecido por el tribunal; (b) estar fechada y firmada por el solicitante; (c) ser concisa y en ningún caso deberá exceder de veinte (20) páginas, incluyendo anexos y apéndices; (d) fundamentar debidamente su posición; y (e) sólo hacer referencia a los temas indicados en su solicitud, conforme al subpárrafo 1 (g).</p>
Mexico-Peru FTA	15/04/2011	15/04/2011	<p>Article 11.25</p> <p>Previa notificación escrita a las partes contendientes, una Parte podrá presentar comunicaciones a un tribunal sobre una cuestión de interpretación de este Capítulo.</p>