

5. In determining whether to grant leave to file an *amicus curiae* submission, the Tribunal must consider, among other things, the extent to which:
  - (a) the *amicus curiae* submission would assist the Tribunal to dispose of a question of fact or question of law related to the dispute;
  - (b) the *amicus curiae* submission would address a matter within the scope of the dispute;
  - (c) the *amicus curiae* has a significant interest in the arbitration; and
  - (d) the subject of the arbitration is a matter of public interest.
6. The Tribunal must ensure that:
  - (a) any *amicus curiae* submissions does not disrupt the proceedings; and
  - (b) 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.
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.