

8. To the extent that a tribunal's confidentiality order designates information as confidential and a Contracting Party's law on access to information requires public access to that information, the Contracting Party's law on access to information shall prevail. However, a Contracting Party should endeavour to apply its law on access to information so as to protect information designated confidential by the tribunal.

## **II. Participation by the Non-Disputing Contracting Party**

1. The non-disputing Contracting Party shall be entitled, at its cost, to receive from the disputing Contracting Party a copy of:

- (a) the evidence that has been tendered to the tribunal;
- (b) copies of all pleadings filed in the arbitration; and
- (c) the written argument of the disputing parties.

2. The non-disputing Contracting Party receiving information pursuant to paragraph 1 shall treat the information as if it were a disputing Contracting Party.

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.

4. The non-disputing Contracting Party shall have the right to attend any hearings held under Article XIII (Settlement of Disputes between an Investor and the Host Contracting Party), whether or not it makes submissions to the tribunal.

## **III. Submissions by a Non-Disputing Party**

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.

2. The applicant shall serve the application for leave to file a non-disputing party submission and the submission on all disputing parties and the tribunal.

3. The tribunal shall set an appropriate date for the disputing parties to comment on the application for leave to file a non-disputing party submission.