

II. Submissions by Non-Disputing Parties

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 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.

2. Any non-disputing party that is a person 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 III of this Annex. The applicant shall attach the submission to the application.

3. 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.

4. 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.

5. In determining whether to grant leave to file a non-disputing party submission, the Tribunal shall consider, among other things, the extent to which:

- (a) the non-disputing party submission would assist the Tribunal in the determination of a factual or legal issue related to the arbitration by bringing a perspective, particular knowledge or insight that is substantially different from that of the disputing parties and up to then had not been known by the Tribunal;
- (b) the non-disputing party submission would address a matter within the scope of the dispute;
- (c) the non-disputing party has a significant interest in the arbitration; and
- (d) there is a public interest in the subject-matter of the arbitration.