APR AVR 17 2001

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APR AVR 17 2001
5574-14
TRADE LAW DROIT COMM. INTL (JLT)
JUSTICE CANADA
DEPT OF FOREIGN AFFAIRS & INTERNATIONAL TRADE
MIN. DES AFFAIRES ETRANGERES ET DU COMMERCE INTERNATIONAL

17 April 2001

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UNITED PARCEL SERVICE OF AMERICA INC v GOVERNMENT OF CANADA (NAFTA)

TRIBUNAL: Justice Kenneth Keith; Dean Ronald Cass; L Yves Fortier CC QC

Procedural decision No. 2 – 17 April 2001

The members of the Tribunal have decided in respect of the petition filed for the Canadian Union of Postal Workers and the Canadian Council that Request for intervention : the Union and Council are to file briefs on their request by 5pm ET on Monday 14 May 2001, with the parties replying by 5pm ET on Monday 28 May; the briefs may also address the question of providing amicus briefs.

Counsel for the Union and Council will notice, if they did not know earlier, that the membership of the Tribunal has altered since they filed their petition in November.

K J Keith
for the Tribunal

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UNITED PARCEL SERVICE OF AMERICA INC v GOVERNMENT OF CANADA (NAFTA)

TRIBUNAL: Justice Kenneth Keith; Dean Ronald Cass; L Yves Fortier CC QC

Procedural decision No. 1 – 17 April 2001

The members of the tribunal have considered the memoranda submitted by the parties on various matters and have decided as follows:

1. Place of arbitration : the Tribunal requires additional submissions from the parties with briefs to be filed simultaneously by 5pm ET on Monday, 30 April 2001 and replies by 5pm ET on Monday, 7 May 2001.

2. Administrative services : the Tribunal proposes that the parties agree to ask ICSID to provide those services. This is without prejudice to any future decision on the place of arbitration.

3. Confidentiality : the Tribunal propose that the parties attempt to reach agreement and report to it by 5pm ET on Monday, 14 May 2001.

4. Statement of defence : the Tribunal requires additional submissions from the parties to be filed simultaneously by 5pm ET on Monday 30 April 2001 and replies by 5pm ET on Monday 7 May 2001.

5. Mode of delivery of documents : this is essentially agreed.

6. Participation of non disputing NAFTA parties : the Tribunal asks whether Canada has any difficulty with the Investor's position (para 8)?

7. Request for intervention : the Union and Council are to file briefs on their request by 5pm ET on Monday 14 May 2001, with the parties replying by 5pm ET on Monday 28 May; the briefs may also address the question of providing amicus briefs

Counsel for the Canadian Union of Postal Workers and the Council of Canada are also being informed in terms of paragraph 7.

Other matters will be addressed when and as appropriate.

K J Keith
for the Tribunal