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By email

Geneva, 13 June 2023

**Re: *Gabriel Resources Ltd. and Gabriel Resources (Jersey) Ltd. v. Romania*
(ICSID Case No. ARB/15/31)**

Dear Mr. President,
Dear Members of the Tribunal,

We refer to the application dated 30 May 2023 by the *Centrul Independent pentru Dezvoltarea Resurselor de Mediu (ICDER)* and Greenpeace Romania (the “*Amici*”), for leave to submit a third brief in the above matter in accordance with Sections III and IV of Annex C to the Canada-Romania BIT and Article 37(2) of the ICSID Arbitration Rules (2006).

As with their applications of November 2018 and September 2022, the *Amici* have already submitted their brief, together with their application.

Further to the Tribunal’s directions of 30 May and 6 June 2023 and the Parties’ agreement, the Respondent hereby submits its comments regarding the admissibility of the application.

The application (and the brief) meet the criteria set out in Section III(4) of Annex C of the Canada-Romania BIT for submissions by non-disputing parties:

- a) their submission will “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 different from that of the disputing parties;”
- b) their submission “address[es] a matter within the scope of the dispute”;
- c) they have demonstrated “a significant interest in the arbitration”; and,
- d) as they have recalled, there is a significant “public interest in the subject-matter of the arbitration”.

The *Amici* note, and the Respondent agrees, that their intervention will neither cause an undue burden nor disrupt the proceedings. Further, granting the application will not unfairly prejudice any party to this arbitration.¹

Despite the late stage of the proceedings, the Respondent is in favor of the admission of the application consistent with its policy to ensure the promotion of transparency in these proceedings.²

Yours sincerely,



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Matthias Scherer
Lorraine de Germiny
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¹ Section III(5) of Annex C of the Canada-Romania BIT.

² The Respondent notes that the *Amici*'s submission was filed on 30 May 2023, which is within one month of the publication on the ICSID website of the Claimants' brief of 18 October 2022, on which they comment. See email of the Tribunal Secretary dated 8 May 2023.