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calendar name: Methanex

date: October 31, 2003

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to: J. William Rowley, QC

to: Professor W. Michael

to: Reisman

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to: Margrete Stevens, Esq.

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October 31, 2003

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Re: Methanex Corporation v United States of America

Dear Members of the Tribunal,

In accordance with the Tribunal’s letter dated October 10, 2003, and on behalf of both parties, we write to advise the Tribunal that the disputing parties have had the opportunity to confer regarding the NAFTA Free Trade Commission’s statement on non-disputing party participation. The parties agree that the statement issued by the FTC provides useful guidance for amicus procedures, and suggest that the Tribunal adopt those recommended procedures in this case, but expressly note two understandings shared by the parties.

First, the parties share an understanding that, in accordance with ¶ 2(e) of the statement, a non-disputing party should be required to identify any entity with which it has collaborated in the preparation of its submission. This understanding reflects the disputing parties’ view that the phrase “or other assistance” encompasses the scenario where a non-disputing party receives advice from or otherwise collaborates with another non-disputing party in preparing its submission. In accordance with the procedures set

1 The disputing parties note that disclosure of any such collaboration may be relevant to a determination of whether the non-disputing party has attempted to evade the page limits provided
forth in the FTC statement, the disputing parties note that the Tribunal retains its discretion to determine whether to accept any particular non-disputing party submission.

Second, the disputing parties request that, to the extent that the non-disputing Parties, i.e., Canada and Mexico, make submissions pursuant to NAFTA Article 1128 as envisioned by ¶ 8 of the FTC statement, the Tribunal accord the disputing parties an opportunity to respond to any such Article 1128 submissions.

Very truly yours,

Christopher F. Dugan
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: Barton Legum, Esq.
Margrete Stevens, Esq.

in ¶ 3(b) of the FTC statement or whether the submission will disrupt, unduly burden or unfairly prejudice either disputing party in contravention of ¶ 7 of that statement. If it appears that that has happened, the parties view ¶ 7 of the FTC Statement as requiring the Tribunal to take appropriate action.

2 The disputing parties share an understanding that the term “non-disputing party” as used in the statement refers to a person or entity that is not a disputing party, while the term “non-disputing Party” as used in the statement refers to non-disputing NAFTA Parties, i.e., Canada and Mexico in this case.