

PaulHastings

FACSIMILE TRANSMISSION

from: Christopher F. Dugan **facsimile:** (202) 508-9700 **telephone:** (202) 508-9572 **initials:** CFD2

client name: Methanex **client matter number:** 37829.00002
date: October 31, 2003 **pages (with cover):** 3

to:	company/office:	facsimile:	telephone:
V.V. Veeder, QC	Essex Court Chambers	011-44-207-813-2024	011-44-207-813-8000
J. William Rowley, QC	McMillan Binch	(416) 865-7048	(416) 865-7009
Professor W. Michael Reisman	Yale Law School	(203) 432-7247	
Barton C. Legum, Esq.	Department of State	(202) 776-8388	(202) 776-8443
Margrete Stevens, Esq.	ICSID	(202) 522-2615	(202) 458-1751

comments:

if you do not receive all pages, please call immediately Facsimile Center: (202) 508-9860

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

PaulHastings

Atlanta
Beijing
Hong Kong
London
Los Angeles
New York
Orange County
San Francisco
Stamford
Tokyo
Washington, D.C.

October 31, 2003

37829.00002

V.V. Veeder, QC
Essex Court Chambers
24 Lincoln's Inn Fields
London WC2A 3ED
England

J. William Rowley, QC
McMillan Binch
Royal Bank Plaza
Suite 3800, South Tower
Toronto, Ontario M5J 2J7
Canada

Professor W. Michael Reisman
Yale Law School
P.O. Box 208215
New Haven, CT 06520-8215

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.¹ In accordance with the procedures set

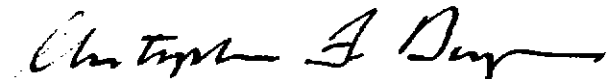
¹ The disputing parties note that disclosure of any such collaboration may be relevant to a determination of whether the non-disputing party has attempted to evade the page limits provided

V.V. Veeder, QC
J. William Rowley, QC
Professor W. Michael Reisman
October 31, 2003
Page 2

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,² 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.

WDC/257196.5

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.