

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
	Sept. 7, 2021	
Wayne Sawtell		
Ottawa, ONT	1	

Court File No. T-1377 -21**FEDERAL COURT**

B E T W E E N :

**CHINA MOBILE COMMUNICATIONS GROUP CO., LTD., CHINA MOBILE  
INTERNATIONAL (CANADA) INC., and CHINA MOBILE INTERNATIONAL  
(UK) LIMITED**

Applicants

- and -

**CANADA (ATTORNEY GENERAL), MINISTER OF INNOVATION, SCIENCE  
AND INDUSTRY, and GOVERNOR GENERAL IN COUNCIL**

Respondents

**APPLICATION FOR JUDICIAL REVIEW UNDER Section 18.1 of the *Federal  
Courts Act* (Canada)**

**NOTICE OF APPLICATION****TO THE RESPONDENT:**

**A PROCEEDING HAS BEEN COMMENCED** by the Applicants. The relief claimed by the Applicants appears on the following page.

**THIS APPLICATION** will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the Applicants. The Applicants request that this application be heard at Toronto, Ontario.

**IF YOU WISH TO OPPOSE THIS APPLICATION**, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the Applicant's solicitor, or where the Applicant is self-represented, on the Applicant, **WITHIN 10 DAYS** after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the

Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

**IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.**

September 7, 2021

Issued by: \_\_\_\_\_

Address of local office:	Federal Court 180 Queen Street West Suite 200 Toronto, ON M5V 3L6	90 Sparks St. Ottawa, ON K1A 0H9
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**TO:** The Honourable David Lametti  
Minister of Justice and Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario K1A 0H8

(service effected pursuant to Rule 133 and Section 48 of the *Federal Courts Act*)

**AND TO:** The Honourable François-Philippe Champagne  
Minister of Innovation, Science and Industry  
Innovation, Science and Economic Development Canada  
Minister's Office  
235 Queen Street  
Ottawa, Ontario, K1A 0H5

(service effected pursuant to Rule 133 and Section 48 of the *Federal Courts Act*)

**AND TO:** The Governor General in Council  
The Office of the Secretary to the Governor General  
Rideau Hall  
1 Sussex Drive  
Ottawa, ON  
K1A 0A1

(service effected pursuant to Rule 133 and Section 48 of the *Federal Courts Act*)

## APPLICATION

**THIS IS AN APPLICATION FOR JUDICIAL REVIEW IN RESPECT OF** an order of the Governor in Council dated August 6, 2021 and communicated to China Mobile Communications Group Co., Ltd. ("**China Mobile**") on August 9, 2021, pursuant to subsection 25.4(1) of the *Investment Canada Act*, R.S.C. 1985, c 28 (the "**ICA**"), ordering that China Mobile (a) divest itself of all right, title, interest and ownership in China Mobile International (Canada) Inc. ("**CMI Canada**" or the "**Canadian business**") and all assets used to carry on the Canadian business, whether held directly or indirectly through owners, subsidiaries or affiliates, including by equity or debt; or (b) wind up the Canadian business, on the basis that the Governor in Council was satisfied that CMI Canada's business may be injurious to national security (the "**Decision**") following referral by the Minister of Innovation, Science and Industry (the "**Minister**") (the "**Referral**").

### **THE APPLICANT MAKES AN APPLICATION FOR:**

1. An Order setting aside the Decision;
2. In the alternative, an Order setting aside the Decision, and remitting the issue back to the Minister and Governor Council to re-determine the matter;
3. A stay of the Decision pending the outcome of this application and any appeals;
4. Costs of this application on an elevated scale; and
5. Such further and other relief as counsel may advise and/or this Honourable Court may permit.

### **THE GROUNDS FOR THE APPLICATION ARE:**

#### **Grounds of Review**

1. The Decision should be set aside on one or more of the following bases:

- (a) The Minister erred in law and/or acted in a manner that was contrary to law by:
  - (i) Initiating the review on the basis of irrelevant considerations unrelated to national security;
  - (ii) Making the Referral and/or concluding that the Canadian business would be injurious to national security without any or a sufficient evidentiary basis for reaching such a conclusion; and
  - (iii) Taking into account irrelevant considerations in reaching his conclusions and/or making the Referral.
- (b) The Governor in Council erred in law and/or acted in a manner that was contrary to law by:
  - (i) Making the Decision on the basis of the wrong legal test, namely that the Canadian business “may be” injurious to national security rather than “would be” injurious to national security;
  - (ii) Concluding that the Canadian business may be injurious to national security without any or a sufficient evidentiary basis for reaching such a conclusion; and
  - (iii) Taking into account irrelevant considerations in initiating the review and/or in making the Decision.
- (c) The requirement in the Decision that China Mobile divest itself of the Canadian business in its entirety is grossly disproportionate to any reasonably supportable findings and conclusions.
- (d) The Minister and the Governor in Council failed to observe a principle of natural justice by initiating the review and/or making the Referral and/or making the Decision motivated by bias.

### **The ICA and the Regulations**

2. Every acquisition of control of a Canadian business or establishment of a new Canadian business by a non-Canadian is subject to a reporting obligation under either Parts III or IV of the ICA (a “**Filing**”).

3. Pursuant to subsections 25.2(1) of the ICA and to the *National Security Review of Investments Regulations*, S.O.R./2009/271 (the “**Regulations**”), the Minister may send a notice to a non-Canadian investor stating that an order for a national security review may be made in respect of an investment (“**Initial Review Notice**”), as defined in section 25.1 of the ICA, only if he has reasonable grounds to believe that the investment could be injurious to national security.

4. Pursuant to subsection 2(a) and (b) of the *Regulations*, the Minister shall send the Initial Review Notice to the non-Canadian within the period beginning on the day on which the investment first comes to the Minister’s attention and ending 45 days after the day on which the Filing is made.

5. Following the Initial Review Notice (or in lieu of a notice being provided), pursuant to subsection 25.3(2) of the ICA and 4(a) of the *Regulations*, the Governor in Council, on the recommendation of the Minister (who shall have consulted with the Minister of Public Safety and Emergency Preparedness), may, within 45 days, order a national security review where it considers that the investment could be injurious to national security. In such circumstance, the Minister must provide notice to the investor, without delay following its issuance, that an order for a national security review has been made (the “**Review Notice**”).

6. Under subsection 25.3(6) of the ICA and section 5 of the *Regulations*, within 45 days following the Review Notice, or any other period agreed upon between the parties under subsection 25.3(7) of the ICA, the Minister must, after consultation with the Minister of Public Safety and Emergency Preparedness, send a notice indicating that no further action will be taken in respect of the investment if the Minister is satisfied that the Investment would not be injurious to national security. For the purposes of subsection 25.3(7) of the Act, section 5.1 of the *Regulations* contemplates the allowance of an extension, beginning on the day on

which the Review Notice is sent to the non-Canadian and ending 45 days after that day.

7. Under subsection 25.3(6)(a), the Minister can only refer the investment to the Governor in Council if he is satisfied (i) that the investment would be injurious to national security or (ii) if the Minister is not able to determine whether the investment would be injurious to national security on the basis of the information available.

8. If an investment is referred by the Minister to the Governor in Council, under subsection 25.4(1) of the *ICA* and section 6 of the *Regulations*, the Governor in Council has 20 days to order any measures it considers advisable to protect national security, including by:

- (a) Directing the non-Canadian not to implement the investment;
- (b) Authorizing the investment on condition that the non-Canadian give written undertakings to Her Majesty in Right of Canada or on the terms and conditions contained in the order; or
- (c) Requiring the non-Canadian to divest itself of the investment.

## **The Applicants' Canadian Business**

### *The Applicants*

9. China Mobile is a Chinese state-owned company that provides mobile communication services, including voice, data, text messaging, roaming, network, among others. China Mobile serves customers throughout China.

10. China Mobile International (UK) Limited ("**CMI UK**") is a subsidiary of China Mobile International Limited ("**CMIL**"), a wholly-owned indirect subsidiary of China Mobile mainly responsible for the operation of China Mobile's international business. CMI UK provides short latency and reliable data service, innovative mobile service and enterprise solutions to global customers.

11. CMI Canada is a wholly-owned subsidiary of CMI UK, and is incorporated under the laws of British Columbia, Canada pursuant to the *Business Corporations Act*, SBC 2002 Ch. 57.

#### *The Applicants Enter the Canadian Market*

12. CMI Canada is an investment as the term is contemplated by subsection 25.1(a) of the ICA, in that it was established as a new Canadian business.

13. CMI Canada was established in 2015 (the “**Investment**”), about five (5) years prior to the Minister sending notice to China Mobile pursuant to subsection 25.2(1) of the ICA, as further described below.

14. In addition to its data and business support services provided to CMIL, CMI Canada provides mobile communication services, including pre-paid call plans, but does not itself own or operate any telecommunications network facilities.

15. Instead, CMI Canada has partnered with Telus Communications Inc. (“**Telus**”) for the provision of wireless services to be delivered through the Telus network (the “**Telecommunications Agreement**”). CMI Canada simply distributes to its customers, primarily customers with a connection to both China and Canada, as Telus’s representative, services and products already offered by Telus.

16. On July 28, 2015, CMI Canada applied for a license for the provision of basic international telecommunications services by the Canada Radio-Television and Telecommunications Commission (“**CRTC**”) in accordance with the provisions of the *Telecommunications Act*, S.C. 1993, c. 38, which license was issued on September 25, 2015 (“**BITS License**”). The BITS License is in force until June 30, 2025 and authorizes CMI Canada to carry telecommunications traffic between Canada and any other country.

#### **The Investment Review**

17. On **October 13, 2020**, CMI Canada notified the Minister of its establishment as a new Canadian business (the “**Notification**”), having inadvertently not notified the Minister of the establishment of the business at the time of CMI Canada’s

incorporation in 2015 but having obtained the BITS License for the provision of its services, and operated without issue since then.

18. On **October 15, 2020**, the Minister sent a first request for information (“RFI”) to CMI Canada in order to certify the Notification as complete, to which CMI Canada provided responses between **October 17 and 20, 2020**. By letter dated **October 19, 2020**, CMI Canada subsequently received certification from the Minister that a complete notice of the Investment had been made.

19. On **November 20, 2020**, the Minister sent a second supplementary RFI to CMI Canada regarding the Investment.

20. On **December 15, 2020**, CMI Canada responded in part to the Minister’s second RFI. In addition, the Minister indicated that same day that an order for the review of the Investment may be made and that it was extending its initial review period to January 28, 2021, 45 days from this extension letter dated **December 14, 2020**.

21. On **January 11, 2021**, the Minister issued a third supplementary RFI regarding the Investment.

22. On **January 26, 2021**, CMI Canada responded to both the second and third Minister’s supplemental RFIs. In its responses, CMI Canada explained, *inter alia*, that it does not own or operate any telecommunications network facilities and/or infrastructure in Canada, that it has a very limited presence in Canada and that it does not collect personal information through its resale wireless voice and data telecommunications services, other than non-verified contact information (name, email address, delivery address) and payment information.

23. More precisely, CMI Canada explained that it primarily provides non-telecommunications-related services, such as data and business support services (e.g., service support, marketing, product advisory services, data analysis and industry survey services) to CMIL and that these services are similarly provided by other China Mobile subsidiaries and affiliates in the UK, Brazil, Mexico, Panama, EU countries, Switzerland, Kenya, South Africa, UAE, Japan, Indonesia, Malaysia,



Singapore, South Korea, Thailand and Vietnam where no national security concerns have been raised in relation to the above-described services.

24. CMI Canada indicated that it also offers resale wireless voice and data telecommunications services through its partnership with Telus. In this capacity, CMI Canada simply acts as an agent of Telus pursuant to the Telecommunications Agreement by re-selling Telus SIM cards and pre-paid rate plans primarily to immigrants from China, international students and business visitors from China to Canada. These customers only enter into an agreement for the provision of the telecommunications services with Telus, and not with CMI Canada – they access the Telus network or Telus’s network of roaming partners. CMI Canada does not own or operate any core radio access network to provide those services.

25. CMI Canada also responded that it generates revenue from the provision of information and communication technology (“**ICT**”) products and services to third party business customers, but made clear that it does not itself own or operate any telecommunications network facilities. It further explained that it only operates basic equipment (e.g., Cisco routers, Ciena and Ericsson transmission and switching equipment) at three (3) points of presence in Canada, but does not own nor possess any ICT infrastructure. In addition, except for the points of presence – which are neither owned nor operated by CMI Canada but rather by Equinix, Cogeco and eStructure – as well as office facilities for the operation of its basic marketing and sales activities, CMI Canada does not have a physical presence in Canada and does not anticipate having such a presence, whether through acquisitions or otherwise.

26. Finally, CMI Canada reiterated that it applied, on July 28 2015, and duly obtained the BITS License from the CRTC, which authorized it to carry telecommunications traffic between Canada and any other country. This licence, CMI Canada explained, is in force until June 30, 2025.

27. On **January 28, 2021**, only two days following CMI Canada’s detailed responses to the second and third supplemental RFIs, the Minister notified CMI Canada that an order for review on national security grounds of the Investment

had been made (the “**Notice of Review**”) and included a summary of concerns (“**Summary of Concerns**”) which read as follows:

China Mobile International (UK) Limited (the Investor), which is controlled by China Mobile Communications Group Co., Ltd., (China Mobile), established China Mobile International (Canada) Inc. (CMI Canada) in Canada in 2016. China Mobile, and its subsidiaries, maintain several points of presence within Canada’s telecommunications infrastructure, including providing telephony services to individual customers, and offering general ICT services to third parties in Canada.

As the Investor is a state-owned enterprise ultimately controlled by the Chinese state, this investment could result in the Canadian business being leveraged by the Investor’s ultimate controller for non-commercial purposes, such as the compromise of critical infrastructure and foreign interference, to the detriment of Canada’s national security.

28. On **March 15, 2021**, the Minister notified CMI Canada that the period to consider the Investment had been extended by up to a further 45 days, pursuant to subsection 25.3(7) of the ICA, the Minister being unable to consider the Investment within 45 days following the Notice of Review as prescribed.

29. On **March 23, 2021**, the Minister sent a fourth supplementary RFI to CMI Canada.

30. On **April 13, 2021**, CMI Canada responded to the Minister’s fourth supplemental RFI, providing detailed particulars on the organizational structure of China Mobile, the peering agreement with Toronto Internet Exchange for internet exchange and CMI Canada’s three (3) points of presence in Canada, which are owned or operated by Equinix, Cogeco, and eStruxture.

31. On or about **May 11, 2021**, the Minister held a meeting with Telus representatives in order to discuss the Telecommunications Agreement between CMI Canada and Telus.

32. On **May 6, 2021**, the Minister requested consent from CMI Canada to extend the review period to July 12, 2021, which consent CMI Canada provided on **May 12, 2021**.

33. On **June 17, 2021**, CMI Canada provided its submissions related to certain technical questions to the Minister, including an explanation of the nature of the partnership between Telus and CMI Canada, how particular consumer hardware works, and how CMI Canada manages traffic between Canada and China. Among other things, CMI Canada noted that it does not modify any customer packages, which are designed and controlled solely by Telus, and that CMI Canada has no access to the Telus portals or customer interface.

### **The Decision**

34. On August 9, 2021, the Minister sent a copy of the Governor in Council's Decision directing China Mobile to either divest itself entirely of or wind up the Canadian business. The Governor in Council's order (the "**Order**") provides as follows:

#### **Order with Respect to China Mobile International (Canada) Inc.**

1. The following definitions apply to this Order.
  - Canadian business** means the new Canadian business carried on by China Mobile International (Canada) Inc. in Markham, Ontario
  - China Mobile** means China Mobile Communications Group Co., Ltd.
2. Not later than 90 days after the day on which this Order is made, China Mobile must either
  - a. Divest itself of all right, title, interest and ownership in the Canadian business and all assets used to carry on the Canadian business, whether held directly or indirectly through owners, subsidiaries or affiliates, including by equity or debt; or
  - b. Wind up the Canadian business.

35. Throughout this process, at each stage of the review, the Minister and/or the Governor in Council erred in law and/or acted in a manner that was contrary to law, resulting in an unreasonable decision.

#### **A. The Minister Erred in His Review**

***(i) Inappropriate Referral***

36. The Minister failed to meet the statutory threshold required to refer the decision to the Governor in Council.

37. Section 25.3(6) of the ICA, states that after the Minister has consulted with the Minister of Public Safety and Emergency Preparedness, the Minister shall refer the investment under review to the Governor in Council, together with a report of the Minister's findings and recommendations on the review, only if:

(i) The Minister is satisfied that the investment **would** be injurious to national security, or

(ii) On the basis of the information available, the Minister is **not able to determine whether the investment would** be injurious to national security.

38. The report of the Minister's findings and recommendations on the Investment's review, which was provided to the Governor in Council, was not communicated to CMI Canada.

39. The only findings by the Minister regarding the Investment that are indicated in the Order read as follows:

- (a) That China Mobile and its subsidiaries and affiliates **may** be subject to the influence or demands of, or control by, a foreign government;
- (b) That China Mobile and its subsidiaries and affiliates **may** disrupt or otherwise compromise Canadian critical telecommunications infrastructure; and
- (c) That China Mobile and its subsidiaries and affiliates **may** gain access to highly sensitive telecommunications data and personal information that could be used for non-commercial purposes as military applications or espionage.

40. These findings do not meet the statutory test required to refer the Investment. On this basis alone, the Minister's Referral was unreasonable.

***(ii) Inappropriate Conclusions on the Evidence***

41. The Minister could not reasonably have concluded, based on the information available to him, that the investment would be injurious to national security.

42. The information collected by the Minister from the Canadian Business does not support a conclusion that the Investment could – let alone would – be injurious to national security. There is no evidence on the record or in the Minister’s findings and conclusions that supports this assertion.

43. Nothing in the detailed responses provided by CMI Canada – by letters to the Minister dated December 15, 2020, January 26, 2021, March 24, 2021, and June 17, 2021 – could lead to the conclusion that, as stated in the Summary of Concerns, the Investment could result in the Canadian business being leveraged by the Chinese state for non-commercial purposes, such as the compromise of critical infrastructure and foreign interference, or that, as stated in the Order, China Mobile and its subsidiaries and affiliates may disrupt or compromise Canadian critical telecommunications infrastructure or gain access to highly sensitive telecommunications data and personal information that could be used for non-commercial purposes such as military applications or espionage. For example:

- (a) CMI Canada does not own nor operate any transmission facilities in Canada;
- (b) CMI Canada does not have privileged or direct access to any critical infrastructure;<sup>1</sup>
- (c) CMI Canada does not have access to any sensitive telecommunications data; and
- (d) CMI Canada does not have access to personal information, other than basic, non-verified, and limited contact information (name, email address, delivery address) as well as payment information;

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<sup>1</sup> Defined by Public Safety Canada as “processes, systems, facilities, technologies, networks, assets and services essential to the health, safety, security or economic well-being of Canadians and the effective functioning of government”.

- (e) CMI Canada has operated in Canada for more than four (4) years without any issue being raised as regards its operations and activities.

44. Accordingly, based on the information that CMI Canada provided, the Minister had no basis to even reach the conclusions he did, which conclusions, in any event, fail to meet the correct statutory threshold.

45. On this basis alone, the Minister's referral was unreasonable.

### **(iii) Irrelevant Considerations and Breach of Natural Justice**

46. In addition to the above errors, the Minister failed to observe a principle of natural justice.

47. Nothing from the correspondence exchanged suggested that the Minister would reach the conclusion that he did, that is, that a national security review regarding the Investment should be made. In particular, the Minister ordered the review only two (2) days following communication by CMI Canada of its detailed responses to the Minister's RFIs.

48. In addition, given the current political socio-economic climate and the general biases against Chinese state-owned companies, and considering the lack of evidence to support his findings, it is clear that the Minister arrived at this decision, in part, for reasons unrelated to the establishment of this five-year-old company and national security. The same can be said about the decision to refer the Investment to the Governor in Council, as nothing in CMIC's responses indicates that its activities would be injurious to national security.

## **B. The Governor in Council Erred in Its Conclusions**

49. On the heels of the Minister's errors, the Governor in Council duly relied on the Minister's findings and conclusions.

### ***(i) Inappropriate Conclusion***

50. The Governor in Council should have made an order only in the event it was satisfied the Investment would be injurious to national security pursuant to subparagraph 25.3(6)(a)(i). In contrast, however, its conclusion was tantamount to speculation about what the Canadian business **may** do, stating:

- (a) That China Mobile and its subsidiaries and affiliates **may** be subject to the influence or demands of, or control by, a foreign government;
- (b) That China Mobile and its subsidiaries and affiliates **may** disrupt or otherwise compromise Canadian critical telecommunications infrastructure; and
- (c) That China Mobile and its subsidiaries and affiliates **may** gain access to highly sensitive telecommunications data and personal information that could be used for non-commercial purposes as military applications or espionage.

51. This does not satisfy the statutory requirements which require a significantly higher level of certainty.

***(ii) The Decision is Grossly Disproportionate***

52. The Governor in Council failed to issue an order that accurately reflected, and was proportionate to, its findings and conclusions.

53. Any order, to be reasonable, must only go so far as to protect the objective set out in the statutory scheme; to protect Canada's national security in a manner that encourages investment, economic growth and employment opportunities in Canada. Anything beyond that objective is overbroad and therefore inappropriate.

54. In this case, the Decision which demands that China Mobile exit the country is wholly disproportionate to the finding that the investment **may** be injurious, even if the finding was a reasonable one, which the Applicants expressly deny.

55. Accordingly, to the extent the remedial provisions of the Decision are found to be overbroad, it should be set aside entirely. In the alternative, an Order setting aside the Decision, and remitting the issue back to the Minister and Governor Council to re-determine the matter should be granted, in light of any decision of this Court should be made;

56. In the alternative, the Canadian Business should be provided sufficient time to complete the remedial steps required by the Decision, given that the timeline provides insufficient time to conduct an orderly divestment and the Canadian Business was given no opportunity to provide input on the timeline in advance and no extension has been provided despite such an extension being contemplated by the Decision.

***(iii) Irrelevant Considerations***

57. As previously stated, it is clear from the current political socio-economic climate and the general biases against Chinese state owned companies, along with the lack of evidence to support the Decision, that the Governor in Council arrived at his decision, in part, for reasons unrelated to the establishment of the Canadian business and national security.

**Stay of the Decision**

58. This application presents a serious question to be tried, namely whether the Minister and Governor in Council appropriately applied the powers afforded to them by the provisions of the ICA.

59. If the Decision is not stayed, the Applicants will be irreparably harmed. China Mobile will be forced to permanently divest itself or wind up the Canadian business, exiting the Canadian landscape entirely. This would require the termination of its client base and operations.

60. The balance of convenience favours staying the Decision. If the Decision is stayed, the *status quo* will be preserved to allow this application to proceed to completion. If the Decision is not stayed, then as discussed above, the Applicants will suffer irreparable harm. Conversely, CMI Canada has successfully operated the Canadian business since 2015, without issue, and in longstanding partnerships with its partners in the Canadian telecom industry. Notably, this review did not arise from any precipitous event involving CMI Canada that related to the engaged provisions of the ICA. The parties were simply delayed in acknowledging their notice obligations under the ICA for a new Canadian business.



61. If the Decision is stayed, the Applicants undertake to seek an order expediting this application.

### **Location for Hearings**

62. The Applicants request that this application and motion for a stay of the Decision be heard at Toronto, Ontario, or remotely by video conference if an in-person hearing is impracticable.

### **Request for Material in the Possession of the Minister**

63. Pursuant to Rule 317 of the *Federal Courts Rules*, the Applicants hereby request all of the material relevant to the application and to the Decision that is in the possession of the Governor in Council and Minister and not in the possession of the Applicants (the “**Certified Tribunal Record**”), including, but not limited to, the report of the Minister’s findings and recommendations to the Governor in Council referred to in the Order and all communications between the Minister and the Minister of Public Safety and Emergency Preparedness related to the Canadian business.

### **THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:**

1. The Decision;
2. The record and proceedings before the Minister leading to the Decision, including the Certified Tribunal Record;
3. The affidavit(s) of one or more individuals with knowledge of the facts in dispute, to be sworn or affirmed, served, and deemed filed as provided by Rule 306;
4. *ICA*;
5. *Regulations*;
6. *Federal Courts Act*, R.S.C. 1985, c. F-7;

7. *Federal Courts Rules*, SOR/98-106; and
8. Such further and other affidavits and material as the solicitors for the Applicants may advise and this Honourable Court may permit.

September 7, 2021



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