

## International Centre for Settlement of Investment Disputes

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### By e-mail

October 1, 2010

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### **Re: Electrabel S.A. v. Republic of Hungary (ICSID Case No. ARB/07/19)**

Dear Mesdames and Sirs,

In the absence of Ms. Aurélia Antonietti from the office, the President of the Tribunal has asked me to convey the following Procedural Order to the Parties:

The Parties will recall that, subject to certain exceptions, the Tribunal closed the evidential file to the Parties at the end of the oral hearing on 17 February 2010 but did not declare this proceeding closed pursuant to ICSID Arbitration Rule 38 (or otherwise), reserving to itself the right to request the Parties to provide further materials and assistance to the Tribunal.

During the Tribunal's current deliberations (which are not complete), it has appeared that three matters require the assistance of the Parties, as follows:

First, the Tribunal requests any further information currently known to the Parties as to the progress, or likely progress, of the legal proceedings pending before the General Court in Luxembourg (formerly "the Court of First Instance") in Case T-179/09 between Dunamenti Erőmű Zrt. and the Commission of the European Communities.

Second, the Tribunal requests any further information currently known to the Parties as to the implementation, present or future, of the draft decree on stranded costs, being the subject-matter of the European Commission's decision of 27 April 2010.

Third, the Tribunal requests each Party to inform the Tribunal as to whether it wishes to make any submissions, and (if so) in what form, as to the recently published award dated 23 September 2010 in ICSID Case No. ARB/07/22 *AES Summit Generation Limited and AES-TISZA Erömü Kft v. Republic of Hungary*. The Tribunal refers to the Claimant's reservation made in its Post-Hearing Submissions of 7 May 2019, in paragraph 375 (at page 74). The Parties should assume that the Tribunal has read this award.

The Parties are requested to respond in writing to these requests as soon as possible, but not later than 29 October 2010.

Sincerely yours,

*[Signed]*

Eloïse M. Obadia  
Senior Counsel

cc: Members of the Tribunal