

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

[2006 Arbitration Rules]

Peteris Pildegovics and SIA North Star
Applicants on Annulment

v.

Kingdom of Norway
Respondent on Annulment

(ICSID Case No. ARB/20/11)
Annulment Proceeding

PROCEDURAL ORDER NO. 1

Members of the ad hoc Committee

Ms. Lucinda A. Low, President of the *ad hoc* Committee
Prof. Andrea K. Bjorklund, Member of the *ad hoc* Committee
Prof. Dr. Maxi Scherer, Member of the *ad hoc* Committee

Secretary of the ad hoc Committee

Ms. Leah W. Njoroge

8 November 2024

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Introduction

The first session of the *ad hoc* Committee (the “Committee”) was held on 22 October 2024 beginning at 10:02 a.m. Washington, D.C. time by video conference. The session was adjourned at 12:14 p.m.

An audio recording of the session was made and deposited in the archives of ICSID. The recording was distributed to the Members of the Committee and the parties.

Participating in the session were:

Members of the Committee:

Ms. Lucinda A. Low, President of the Committee
Prof. Andrea K. Bjorklund, Member of the Committee
Prof. Dr. Maxi Scherer, Member of the Committee

ICSID Secretariat:

Ms. Leah W. Njoroge, Secretary of the Committee
Ms. Phoebe Ngan, ICSID Paralegal

On behalf of Peteris Pildegovics and SIA North Star (Applicants on Annulment):

Mr. Pierre-Olivier Savoie, Savoie Arbitration
Ms. Caroline Defois, Savoie Arbitration
Ms. Beate Strautkalne, Savoie Arbitration
Prof. Mads Andenas KC, Brick Court Chambers
Mr. Peteris Pildegovics, SIA North Star

On behalf of the Kingdom of Norway (Respondent on Annulment):

Prof. Vaughan Lowe KC, Barrister, Essex Court Chambers
Prof. Alain Pellet, Professor Emeritus, University Paris Nanterre
Mr. Mubarak Waseem, Barrister, Essex Court Chambers
Mr. Ysam Soualhi, Researcher, Centre Jean Bodin (CJB), University of Angers
Mr. Kristian Jervell, Norwegian Ministry of Foreign Affairs
Mr. Martin Sørby, Norwegian Ministry of Foreign Affairs
Mr. Fredrik Bergsjø, Norwegian Ministry of Foreign Affairs
Ms. Kristina Nygård, Norwegian Ministry of Foreign Affairs

The Committee and the parties considered the following:

- The Draft Procedural Order circulated by the Secretary of the Committee on 27 September 2024; and

- The parties' comments on the Draft Procedural Order received on 10 October 2024, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.

Having considered the above documents and the parties' views, the Committee now issues the present Order:

Order

Pursuant to Rules 19, 20 and 53 of the applicable Rules (as set forth in Section 1 below), this Procedural Order sets out the Procedural Rules that govern this annulment proceeding. A timetable is attached as **Annex B**.

1. Applicable Arbitration Rules

Convention Article 44; Arbitration Rule 53

- 1.1. This proceeding is conducted in accordance with the ICSID Arbitration Rules in force as of 10 April 2006 (the "Arbitration Rules" or "Rules"). In accordance with Arbitration Rule 53, those Arbitration Rules apply, *mutatis mutandis*, to annulment proceedings.

2. Constitution of the Committee and Committee Members' Declarations

Convention Article 52(3); Arbitration Rules 6 and 52

- 2.1. The Committee was constituted on 8 April 2024 in accordance with the ICSID Convention and the Arbitration Rules. The parties confirmed that the Committee was properly constituted and that no party has any objection to the appointment of any Member of the Committee.
- 2.2. The Members of the Committee timely submitted their signed declarations in accordance with Arbitration Rule 6(2). Copies of these declarations were distributed to the parties by the ICSID Secretariat on 8 April 2024.
- 2.3. The Members of the Committee confirmed that they have sufficient availability to dedicate to this case.

3. Fees and Expenses of Committee Members

Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees; Memorandum on Fees

3.1. The fees and expenses of each Member of the Committee shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses in force at the time the fees and expenses are incurred.

4. Presence and Quorum

Arbitration Rules 14(2) and 20(1)(a)

4.1. The presence of all Members of the Committee constitutes a quorum for its sittings, including by any appropriate means of communication. As far as possible, all Members of the Committee should be present in person during any substantive hearing.

5. Rulings of the Committee

Convention Article 48(1); Arbitration Rules 16, 19 and 20

5.1. Decisions of the Committee shall be taken by a majority of the Members of the Committee.

5.2. ICSID Arbitration Rule 16(2) applies to decisions taken by correspondence except that where the matter is urgent, the President may decide procedural matters without consulting the other Members, subject to possible reconsideration of such decision by the full Committee. Procedural rulings shall be made after the parties have been afforded an opportunity to make representations in relation thereto.

5.3. The Committee will draft and issue all rulings, including its final decision, within a reasonable time. If a ruling has not been issued within three months after the final submission on a particular matter, the Committee will provide the parties with status updates every month.

5.4. The President is authorized to sign Procedural Orders on behalf of the Committee.

5.5. The Committee's rulings on procedural matters may be communicated to the parties by the Committee Secretary electronically by letter or email.

5.6. Any ruling of the Committee, including the certified copy of the decision on annulment, will be dispatched electronically to the parties.

6. Power to Fix Time Limits

Arbitration Rule 26(1)

- 6.1. The President may fix and extend time limits for the completion of the steps in the proceeding.
- 6.2. In exercising this power, the President shall consult with the other Members of the Committee. If the matter is urgent, the President may fix or extend time limits without consulting the other Members, subject to possible reconsideration of such decision by the full Committee.
- 6.3. The parties agree that a time limit shall be satisfied if a procedural step is taken or a document is received by the Secretary-General on the relevant date, or on the subsequent business day if the date falls on a Saturday or Sunday. A time limit shall be computed from the date on which the limit is announced, with the day of such announcement being excluded from the calculation.

7. Secretary of the Committee

Administrative and Financial Regulation 28

- 7.1. The Secretary of the Committee is Ms. Leah W. Njoroge, Legal Counsel, ICSID, or such other person as ICSID may notify to the Committee and the parties from time to time.
- 7.2. To send copies of communications by email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Ms. Leah W. Njoroge
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MSN C3-300
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U.S.A.
Tel.: + 1 (202) 473-7727
Fax: + 1 (202) 522-2615
Email: lnjoroge@worldbank.org
Paralegal name: Ms. Phoebe Ngan
Paralegal email: sngan@worldbank.org

- 7.3. For local messenger deliveries, the contact details are:

Leah W. Njoroge
ICSID
1225 Connecticut Ave., N.W.

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3rd Floor - MSN C300
Washington, D.C. 20036
U.S.A.
Tel.: +1 (202) 458-1534

8. Representation of the Parties
Arbitration Rule 18

- 8.1. Each party shall be represented by its counsel (below) and may designate additional agents, counsel, or advocates by notifying the Committee and the Committee Secretary promptly of such designation.

For Peteris Pildegovics and SIA North Star

Mr. Pierre-Olivier Savoie
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and

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French Republic

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8.2. Peteris Pildegovics and SIA North Star will be designated as the Claimants and the Kingdom of Norway will be designated as the Respondent, as in the original arbitration proceeding. The parties who filed the Application for Annulment, Peteris Pildegovics and SIA North Star, may also be referred to as the Applicants.

9. Apportionment of Costs and Advance Payments to ICSID

Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 28

9.1. In accordance with Administrative and Financial Regulation 15(5), the Applicants, in this case, Peteris Pildegovics and SIA North Star, shall be solely responsible for making the advance payments requested by the ICSID Secretariat to cover the direct costs of the proceeding, without prejudice to the final decision of the Committee as to the allocation of costs.

9.2. By letter of 27 February 2024, ICSID requested the Applicants to make an advance payment of US\$ 200,000 to cover the initial costs of the proceeding. ICSID received a part payment of US\$ 52,000 from the Applicants on 18 April 2024. On 17 May 2024, the Secretary-General suspended the proceeding following non-payment of the balance of US\$ 148,000 of the required advance in accordance with ICSID Administrative and Financial Regulation 16(2)(b). On 7 August 2024, the Applicants requested an extension of time, until 15 September 2024, to pay the balance of US\$ 148,000 of the required advance. On 16 September 2024, the proceedings were resumed upon the Applicants' payment of the outstanding amount.

9.3. ICSID shall request further advances from the Applicants as needed. Such requests shall be accompanied by a detailed interim statement of account.

10. Place of Proceeding

Convention Articles 62 and 63; Arbitration Rule 13(3)

- 10.1. Paris, France shall be the place of the proceeding.
- 10.2. The Committee may hold in-person hearings at any other place that it considers appropriate if the parties so agree.
- 10.3. The Committee Members may deliberate at any place and by any appropriate means they consider convenient.

11. Procedural Language, Translation and Interpretation

Arbitration Rules 20(1)(b) and 22

- 11.1. English is the procedural language of this annulment proceeding.
- 11.2. Documents filed in any other language must be accompanied by a translation into English.
- 11.3. If the document is lengthy and relevant only in part, it is sufficient to translate only relevant parts, provided that the Committee may require a fuller or a complete translation at the request of any party or on its own initiative.
- 11.4. Translations need not be certified unless there is a dispute as to the content of the translation provided, and the party disputing the translation specifically requests a certified version.
- 11.5. The costs of interpretation (if any) will be paid from the advance payments made to ICSID, without prejudice to the decision of the Committee as to which party shall ultimately bear those costs.

12. Routing of Communications

- 12.1. The ICSID Secretariat shall be the channel of written communications between the parties and the Committee.
- 12.2. Each party's written communications shall be transmitted by email or other electronic means to the opposing party and to the Committee Secretary, who shall send them to the Committee.
- 12.3. Electronic versions of communications ordered by the Committee to be filed simultaneously shall be transmitted to the Committee Secretary only, who shall send them to the opposing party and the Committee.

12.4. The Committee Secretary shall not be copied on direct communications between the parties when such communications are not intended to be transmitted to the Committee.

13. Number of Copies and Method of Filing of Parties' Pleadings
Arbitration Rules 20(1)(d) and 23

13.1. By the relevant filing date, the parties shall:

13.1.1. submit an electronic version of the pleading (with witness statements and expert reports, if any), and an updated index of all supporting documentation by email to the Committee Secretary and the opposing party;¹ and

13.1.2. upload the pleading with all supporting documentation and an updated hyperlinked² index to the file sharing platform created by ICSID for purposes of this case.

13.2. Electronic versions of pleadings, witness statements, expert reports (if any), exhibits and legal authorities shall be text searchable (i.e., OCR PDF or Word) to the extent possible.

13.3. All pleadings shall contain consecutively numbered paragraphs and shall be accompanied by a cumulative index hyperlinked to all the supporting documentation that the party has submitted up to the date of the pleading in this proceeding. The index shall indicate the document number and the pleading with which it was submitted, and shall follow the naming conventions contained in **Annex A**. The index should also set out the numbering of the document assigned for purposes of the annulment proceeding and the original numbering assigned in the original underlying arbitration proceeding (please follow the numbering convention contained in **Annex C**).

13.4. At the conclusion of the written phase of the proceeding, on a date to be determined by the Committee or at any other time determined by the Committee or the ICSID Secretariat, the parties shall courier to each Member of the Committee at the addresses indicated at §13.5 below a USB drive containing an electronic copy of

¹ Please note that the World Bank server does not accept emails larger than 25 MB. Supporting documentation shall be uploaded as individual files, not in .zip format.

² The parties may consider uploading a hyperlinked index in .zip file format to the platform to preserve the hyperlinks.

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the entire case file (including pleadings, witness statements, expert reports, exhibits, legal authorities and Committee decisions and orders to date) with a consolidated hyperlinked index of all documents.

13.5. The addresses of the Committee Members are as follows:

Ms. Lucinda A. Low
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As from January 2025:

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13.6. The official date of receipt of a pleading or communication shall be the day on which the electronic file is sent to the Secretary of the Committee by email.

13.7. A filing shall be deemed timely if sent by a party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday, the relevant date is the subsequent business day.

14. Number and Sequence of Pleadings

Arbitration Rules 20(1)(c), 20(1)(e), 29 and 31

14.1. The parties shall submit their written submissions in accordance with the Procedural Calendar set out in **Annex B** and with the rules set out below.

14.2. The Committee has provisionally included a document production step in the timetable after the Applicants' Memorial on Annulment. At that stage, the

Committee will decide, based on a reasoned application from the Applicants, whether special circumstances exist that justify permitting a document production phase.

15. Submission of Documents

Convention Article 44; Arbitration Rule 24

- 15.1. The Memorial and Counter-Memorial shall be accompanied by the supporting documents relied upon by the parties, including exhibits and legal authorities. Further supporting documents relied upon by the parties in rebuttal shall be submitted with the Reply and Rejoinder.
- 15.2. Neither party shall be permitted to submit additional or responsive documents after the filing of its last written submission, unless the Committee determines that special circumstances exist based on a timely and reasoned written application followed by observations from the other party.
- 15.3. Given the nature of an annulment proceeding, the Committee expects that the parties will refer primarily to the evidentiary record from the arbitration proceeding and it does not expect to receive new evidence (exhibits, witness statements or expert reports). However, new witness statements shall be allowed.
- 15.4. Should either party wish to introduce new expert reports, that party shall file a request to the Committee to that effect specifying the scope and objective of the requested expert testimony, at least five (5) weeks before the date of the scheduled filing of the pleading with which the expert report is to be filed. The party may not annex to its request the expert report that it seeks to file. The Committee will promptly decide on the admissibility of the expert report, after hearing from the other party.
- 15.5. In principle, no new documentary evidence shall be admitted in this proceeding unless the Committee determines that special circumstances exist based on a reasoned written request followed by observations from the other party. Should either party wish to introduce new documents, other than legal authorities, that party shall file a request to the Committee to that effect. The party may not annex to its request the document(s) that it seeks to file. The Committee will promptly decide on the admissibility of the new documentary evidence, after hearing from the other party. If the request is granted, the Committee will afford the other party an opportunity to respond to the new documentary evidence.
- 15.6. Documents shall be submitted in the manner and form set forth in §13.
- 15.7. Any documents introduced as exhibits or legal authorities in the annulment

proceeding shall be labelled with numbers, and organized in a clear order:

- 15.7.1. Exhibits and legal authorities already included in the evidentiary record of the underlying arbitration proceeding shall be submitted in PDF format using the same numbering as in the arbitration proceeding (i.e., for the Claimants include reference to the numbering used in the arbitration proceeding e.g. “C-0001” for factual exhibits and “CLA-0001” for legal authorities and for the Respondent include reference to the numbering used in the arbitration proceeding e.g. “R-0001” for factual exhibits and “RLA-0001” for legal authorities. For any new documents introduced by the Applicants in this annulment proceeding, the Applicants shall follow the numbering convention save that the documents shall bear the prefix A-##### for factual exhibits and ALA-##### for legal authorities. The Respondent shall retain the same numbering convention as in the original arbitration.
- 15.7.2. New exhibits admitted in accordance with §15.5 (if any), and new legal authorities (if any), shall use numbering that continues from the numbering used in the underlying arbitration as summarized in §15.7.1 above. Each party shall number any new exhibit or legal authority consecutively throughout the entire annulment proceeding.
- 15.7.3. Any witness statements or expert reports from the underlying arbitration proceeding which are submitted in the annulment proceeding, as well as any new witness statements or expert reports admitted in accordance with §15.4, shall be labelled according to the naming convention contained in **Annex A**.
- 15.7.4. Electronic files and the accompanying indexes shall follow the naming conventions contained in **Annex A**.

- 15.8. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a party, in which case the Committee will determine whether authentication is necessary.
- 15.9. The parties shall file all documents only once by submitting them with their pleadings.
- 15.10. The parties may use PowerPoint slides and demonstrative exhibits (such as charts, tabulations, etc. compiling information which is on the record but not presented in such form), provided that they (i) identify the source in the record from which the information is derived, and (ii) do not contain information not in the record.

- 15.11. An electronic copy of each demonstrative exhibit, other than PowerPoint slides, shall be distributed by the party intending to use it via an electronic mail sent to the entire case email distribution for each party, the Members of the Committee, the Committee Secretary, the court reporter and any interpreters at the hearing at a time to be decided at the case management conference for hearing organization.
- 15.12. In addition, promptly after the conclusion of the Hearing Day on which the corresponding demonstrative exhibit is used, the parties shall upload such demonstrative to the case folder in the BOX filesharing platform, designating each with the corresponding CD-__ or RD-__ number.

16. Witnesses and Experts

Convention Article 43(a); Arbitration Rule 35 and 36

- 16.1. When authorized (for expert reports) by the Committee following the procedure outlined in §15.4, witness statements and expert reports shall be filed together with the parties' pleadings.
- 16.2. Each witness statement and expert report shall be signed and dated by the witness.
- 16.3. Neither Party shall be permitted to submit any testimony that has not been filed with the written submissions, unless the Committee determines that special circumstances exist based on a reasoned written request followed by observations from the other Party following the procedure outlined in §15.4.
- 16.4. The method of examination of witnesses and experts, if any, will be decided by the Committee once submissions have been filed, after consulting the parties.

17. Case Management Conference for Hearing Organization

Arbitration Rule 13

- 17.1. A case management conference for hearing organization shall be held on a date determined by the Committee after consultation with the parties. It shall comprise a teleconference or videoconference between the Committee, or its President, and the parties and address any outstanding procedural, administrative, and logistical matters (including modality of interpretation and transcription) in preparation for the hearing.
- 17.2. At a date to be determined by the Committee, and in any event no later than the date of the pre-hearing conference, the parties shall submit to the Committee jointly – or, where they are unable to agree, separately – a proposal regarding a daily

schedule for the hearing for the Committee's consideration, approval and direction, as necessary.

18. Hearings

Arbitration Rules 20(1)(e) and 32

- 18.1. The oral procedure shall consist of a hearing for oral arguments.
- 18.2. The hearing may be held in-person or by any other means of communication as determined by the Committee after consultation with the parties. An in-person hearing shall be held at a place to be determined in accordance with §10 above.
- 18.3. Having due regard to the views of the parties and the specific circumstances of the case, including any relevant travel restrictions and/or social distancing or public health/security measures, the Committee may decide to hold a hearing remotely or in a hybrid form.
- 18.4. The date of the hearing is indicated in **Annex B**.
- 18.5. The Members of the Committee shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 18.6. Allocation of time at the hearing shall be agreed upon by the parties or, alternatively, decided by the Committee in consultation with the parties, after the Pre-Hearing Organizational Meeting. In principle, each Party shall have an equal amount of time at its disposal.
- 18.7. Hearings shall be accessible to the public by livestream. Where there is a need to protect confidential information or the integrity of the arbitral process, the Committee shall make arrangements to hold in private that part of the hearing requiring such protection. The parties shall endeavour to agree arrangements for the protection of confidential information.

19. Records of Hearings and Sessions

Arbitration Rules 13 and 20(1)(g) and 53

- 19.1. Recordings shall be made of all hearings and sessions. The recordings shall be provided to the parties and the Committee Members.
- 19.2. Verbatim transcripts in the procedural language of the proceeding shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the parties or ordered by the Committee, the verbatim transcripts shall, if possible, be available in real-time and electronic transcripts shall be provided to the parties and the Committee on a same-day basis.

19.3. The parties shall agree on any corrections to the transcripts within 30 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter in the transcripts (“revised transcripts”). The Committee shall decide upon any disagreement between the parties within 15 days, and any correction(s) adopted by the Committee shall be entered by the court reporter in the revised transcripts.

20. Post-Hearing Memorials and Statements of Costs

Convention Article 44; Arbitration Rule 28(2)

20.1. At the conclusion of the hearing, the Committee shall decide after consulting the parties whether the parties will file Post-Hearing Memorials. Unless expressly allowed by the Committee, any such submission shall not contain any new evidence, documents, legal authorities, sources, declarations or expert reports.

20.2. Each party will submit its Statement of Costs within 4 weeks after the later of the final hearing or the final exchange of Post-Hearing Memorials, if any. Such Statements of Costs shall be organized by stage of the proceedings. The Committee will decide at the conclusion of the hearing whether such Statements shall be accompanied by supporting evidence, and the timing and extent of any subsequent costs submissions by the parties.

21. Publication

Convention Article 48(5), Administrative and Financial Regulation 25, Arbitration Rule 48(4)

21.1. The parties consent to publication by ICSID of the Decision on Annulment and any order or decision issued in this proceeding, as well as the Application for Annulment and the pleadings of the parties, provided that any confidential information is redacted before publication.

21.2. Unless the parties otherwise agree, the Secretariat shall allow fifteen working days between the transmission of the Decision on Annulment, order or decision to the parties and its publication.

21.3. For the purposes of this section of the Procedural Order, “confidential information” means information designated as confidential by a party on the grounds that it is:

21.3.1. business confidential information relating to a party;

21.3.2. business confidential information belonging to a third party;

21.3.3. information about an identifiable individual who is entitled to have it protected on grounds of personal privacy;

- 21.3.4. information of a financial, commercial, scientific or technical nature supplied to a party by a third party, which is regarded as confidential by that third party and which has been supplied to the party from whom disclosure is sought on the basis that the information will be treated as confidential;
- 21.3.5. information protected from disclosure under the applicable laws of the Kingdom of Norway.

Business confidential information includes:

- 21.3.6. trade secrets;
- 21.3.7. financial, commercial, scientific or technical information that is consistently treated as confidential by the party or third party to which it relates, including pricing and costing information, marketing and strategic planning documents, market share data, or detailed accounting or financial records;
- 21.3.8. information the disclosure of which could result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, the party or third party to which it relates; and
- 21.3.9. information the disclosure of which could interfere with ongoing or future contractual or other negotiations of the party or third party to which it relates.
- 21.3.10. Information which is already in the public domain may not be designated as confidential for the purposes of these proceedings.
- 21.3.11. A party may designate as confidential information only information which falls within one or more of the categories listed in §21.3 above. Any document or part of a document which a party wishes to designate as containing confidential information must be clearly labelled “Confidential Information – Unauthorized Disclosure Prohibited”.
- 21.3.12. If the other party wishes to contest the designation of information as confidential, it shall inform the party making that designation within ten working days of receipt of the material so designated. In that event, the parties shall endeavour to reach agreement. If after a further ten working days they have been unable to do so, the matter shall be referred to the Committee for decision. Until the Committee gives its decision, all parties shall treat the information concerned as confidential.
- 21.3.13. Except as otherwise provided in this Order or determined by the Committee confidential information shall be disclosed only to:

- 21.3.13.1. The Members and Secretary of the Committee, any assistants appointed by the Committee and any members of the ICSID Secretariat assisting the Secretary;
- 21.3.13.2. Counsel acting for a party in the present proceedings and their support staff;
- 21.3.13.3. The Applicants and any officer or employee of North Star to whom disclosure is necessary for the purposes of the present proceeding;
- 21.3.13.4. Officials or employees of the Respondent to whom disclosure is necessary for the purposes of the present proceeding;
- 21.3.13.5. Any independent expert retained or consulted by a party in connection with these proceedings to the extent that disclosure is necessary for the purposes of that expert's involvement in the proceeding;
- 21.3.13.6. Any witness or prospective witness to the extent that disclosure is necessary for the purposes of that witness' involvement in the proceeding.
- 21.3.14. Confidential information disclosed in accordance with §21.2.13 shall not be used for any purpose other than the present proceeding.
- 21.3.15. If a party considers that it is required by law to make disclosure of confidential information to a court or other body, it shall first consult the Committee.

22. Data Privacy and Cybersecurity

- 22.1. The Members of the Committee, the parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this annulment proceeding.
- 22.2. The Members of the Committee, the parties and their representatives agree to comply with all applicable data protection and privacy regulations, including providing appropriate notice to data subjects whose personal data will be processed in the annulment proceeding, where necessary. Should compliance with applicable law require action from another participant in the annulment proceeding, the parties are invited to bring that to the attention of that other participant and/or to apply to the Committee for specific data protection measures to be put in place.
- 22.3. The parties and their representatives shall ensure that the storage and exchange of the personal data processed in this arbitration is protected by way of appropriate technical and organizational safeguards.

23. Other Matters: Involvement of Wikborg Rein Law Firm

- 23.1. At the first session, the Applicants raised conflict-of-interest issues in relation to the possible involvement of Wikborg Rein law firm in this matter. Having considered the information provided by the Respondent in response to a request from the Applicants, as well as the additional information set forth in the Respondent's letter to the Committee of 7 November 2024 to the effect that Wikborg Rein has not been involved to date, the Committee has determined that out of an abundance of caution, and without prejudging the merits of the Applicants' allegation, it would not be appropriate for Wikborg Rein to be involved in these proceedings while that issue is pending. Accordingly, the Respondent shall provide, within ten (10) business days of this Order, a written representation and undertaking from a duly empowered official of the Respondent that Wikborg Rein will not be involved in these proceedings in any capacity for the duration of the Committee's consideration of the conflict-of-interest issue concerning the law firm.

On behalf of the Committee,

[signed]

Ms. Lucinda Low
President of the Committee
Date: 8 November 2024

Annex A – Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files and for the accompanying Consolidated Hyperlinked Index. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

All pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (e.g. SPA=Spanish; FR=French; ENG= English). Such indication should be reflected both i) in the name used to identify each individual electronic file and ii) in the Consolidated Hyperlinked Index (which shall be attached to each submission).

For cases with a single procedural language, the “LANGUAGE” designation may be omitted, except for documents in a language other than the procedural language and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<i>Memorial on Annulment-FR</i>
	<i>Counter-Memorial on Annulment-SPA</i>
	<i>Reply on Annulment-FR</i>
	<i>Rejoinder on Annulment-ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-####–LANGUAGE
	R-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANTS’ FACTUAL EXHIBITS
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001-FR</i>
	<i>R-0002-SPA</i>
	Legal Authorities
RL-####–LANGUAGE	
To be produced sequentially throughout the case.	
CLAIMANTS’ LEGAL AUTHORITIES	
<i>CL-0001-ENG</i>	
<i>CL-0002-FR</i>	
RESPONDENT’S LEGAL AUTHORITIES	
<i>RL-0001-SPA</i>	
<i>RL-0002-ENG</i>	
Witness Statements (if applicable)	Witness Statement-Name of Witness-Name of Submission-LANGUAGE
	<i>Witness Statement-Maria Jones-Memorial on Annulment-SPA</i>
Expert Reports (if applicable)	Expert Report-Name of Expert-Type-Name of Submission-LANGUAGE
	<i>Expert Report-Lucia Smith-Legal -ENG</i>
Legal Opinions (if applicable)	Legal Opinion-Name of Expert-Name of Submission-LANGUAGE
	<i>Legal Opinion-Tom Kaine- Memorial on Annulment -FR</i>
Exhibits to Witness Statements, Expert Reports, Legal Opinions (if applicable)	WITNESS/EXPERT INITIALS-###
	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>
	<i>MJ-0001</i>
	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-0001</i>

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Procedural Order No. 1 – Annex A

	<i>For exhibits filed with the Expert Report of [Lucia Smith] LS-0001</i>
INDICES	Consolidated Hyperlinked Index
	Index of Exhibits-C-#### to C-####
	<i>Index of Exhibits-C-0001 to C-0023</i>
	Index of Legal Authorities-RLA-### to RLA-###
	<i>Index of Legal Authorities-RLA-0001 to RLA-0023</i>
OTHER APPLICATIONS	Name of Application-[Party]-LANGUAGE
	<i>Request for Provisional Measures-[Respondent]-SPA</i>
	<i>Request for Production of Documents-[Claimants]-SPA</i>
	<i>Request for Stay of Enforcement-FR</i>
	<i>Request for Discontinuance-[Claimants]-ENG</i>
	<i>Post-Hearing Brief-[Claimants]-SPA</i>
	<i>Costs Submissions-[Respondent]-ENG</i>
<i>Observations to Request for [XX]-[Claimants]-SPA</i>	

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Procedural Order No. 1 – Annex B

Annex B – Procedural Calendar

Procedural Step	By	Date
First Session	All	22 October 2024
Memorial on Annulment	Applicants	21 January 2025 (+13 weeks from first session)
Application for Document Production	Either Party	4 February 2025 (+2 weeks from Memorial on Annulment)
Reply to Application for Document Production	Other Party	18 February 2025 (+2 weeks from Application(s))
Decision(s) on Application(s) for Document Production	Committee	4 March 2025 (+2 weeks from Reply(ies))
Production of documents ordered to be produced by Ad Hoc Committee	Relevant Party(ies)	18 March 2025 (+2 weeks from Committee Decision)
Counter-Memorial on Annulment	Respondent	22 April 2025 (+13 weeks from Memorial, if no document production); 20 May 2025 (+17 weeks from Memorial, if document production is allowed)
Reply on Annulment	Applicants	3 June 2025/ 1 July August 2025 (+6 weeks from Counter-Memorial)
Rejoinder on Annulment	Respondent	15 July 2025/12 August 2025(+6 weeks from Reply)
Case Management Conference for Hearing Organization	All	TBD, July or August 2025
Hearing on Annulment	All	22-24 September 2025 (2 days with one reserve day)
Post-Hearing Submissions	Both Parties	TBD, if directed by the Committee
Costs Submissions	Both Parties	TBD

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Procedural Order No. 1 – Annex B

Decision	Committee	By 26 February 2026 at latest (annulment application was registered 27 February 2024)
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Annex C – List of Exhibits / Legal Authorities

List of Exhibits Description	Exhibit Number Annulment Proceeding	Exhibit Number Original Proceeding (as reference only)
Exhibit ABC	[X]-001	C-034
Exhibit XYZ	[Y]-002	R-101

C- = Claimants' Exhibit (Original Arbitration Proceeding)

R- = Respondent's Exhibit (Original Arbitration Proceeding)

X- = Applicant X's Exhibit (Annulment Proceeding)

Y- = Respondent on Annulment Exhibit (Annulment Proceeding)

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Procedural Order No. 1 – Annex C

List of Legal Authorities Description	Legal Authorities Number Annulment Proceeding	Legal Authorities Number Original Proceeding (as reference only)
Legal Authority ABC	[X]-LA-001	CLA-034
Legal Authority XYZ	[Y]-LA-002	RLA-101

CLA- = Claimant’s Legal Authority (Original Arbitration Proceeding)

RLA- = Respondent’s Legal Authority (Original Arbitration Proceeding)

[X]LA- = Applicant X’s Legal Authority (Annulment Proceeding)

[Y]LA- = Respondent on Annulment Legal Authority (Annulment Proceeding)