INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Enwell Energy plc

v.

Ukraine

(ICSID Case No. ARB/25/41)

PROCEDURAL ORDER NO. 3
Consent Order

Members of the Tribunal
Ms. Lucinda Low, President of the Tribunal
Prof. Dr. Stephan W. Schill, Arbitrator
Professor Jorge E. Viñuales, Arbitrator

Secretary of the Tribunal
Mr. Govert Coppens

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26 June 2026

DEFINITIONS

Application for Provisional Measures or Application	Claimant's Application for Provisional Measures of 21 October 2025
ARMA	Ukrainian National Agency of Ukraine for Detection, Search and Management of Assets Obtained from Corruption and Other Crimes
Claimant or Enwell	Enwell Energy plc, a company organized under the laws of England & Wales
Parties	Enwell Energy plc and Ukraine
Prosecutor General	Prosecutor General of Ukraine
Request for Arbitration	Claimant's Request for Arbitration of 13 August 2025
Respondent	Ukraine
SSU	Security Service of Ukraine
SSU Cases	Four proceedings initiated by the SSU, as identified in paragraphs 32 to 38 of the Claimant's Application
Ukrainian Subsidiaries	Ukrainian subsidiaries of Enwell Energy plc, including those identified in paragraph 29 of the Claimant's Request for Arbitration

I. INTRODUCTION

1. The Claimant is Enwell Energy plc ("**Enwell**" or the "**Claimant**"), a company organized under the laws of the United Kingdom.

2. The Respondent is Ukraine (the "**Respondent**").

3. The Claimant and the Respondent are collectively referred to as the "**Parties**."

II. PROCEDURAL BACKGROUND[1]

4. On 21 October 2025, the Claimant filed an application for provisional measures (the "**Application**"). In the Application the Claimant sought both provisional measures that would apply during the course of the present proceedings ("**Interim Measures**") and temporary measures pending the Tribunal's decision on the Interim Measures ("**Temporary Measures**").

5. On 19 December 2025, the Respondent submitted its Response (the "**Response**") to the Application, opposing both the Interim Measures and the Temporary Measures.

6. On 21 January 2026, the Claimant filed a Reply to the Response (the "**Reply**").

7. On 18 February 2026, the Respondent submitted its Rejoinder to the Reply (the "**Rejoinder**").

8. On 10 April 2026, the Tribunal issued its Decision on Temporary Measures (the "**Tribunal's Decision**"), in which it decided in paragraph 32(a):

> (a) The Respondent shall provide at least 4 days' prior written notice of (i) any request by the Prosecutor General of Ukraine to transfer control of the Claimant's Ukrainian Subsidiaries to ARMA; and (ii) any new SSU application or request made as part of the Four SSU Cases, or any new proceedings initiated on the part of the

[1] Further details regarding the procedural background to the Claimant's Application are set out in the Tribunal's Decision on Temporary Measures dated 10 April 2026.

Respondent, its agencies, or instrumentalities, that would seek to invalidate or render ineffective the Upstream Transfers.

(b) The notice obligations set forth in the foregoing paragraph shall be effective upon the issuance of this decision, and shall remain in effect until the Tribunal's decision on Interim Measures.

(c) No further measures are necessary at this stage of the proceedings.

9. On 20 June 2026, the Claimant informed the Tribunal via email that the Parties had reached an agreement whereby the Claimant's Application will be withdrawn, the Tribunal's Decision vacated, and a Procedural Order issued memorializing the Interim Measures agreed by the Parties. The Claimant accordingly requested that the hearing on the Claimant's Application, scheduled for 29 June 2026, be vacated.

10. Later that day, the Respondent confirmed its agreement with the Claimant's email of 20 June 2026.

III. ORDER

11. The Tribunal, having considered the agreement reached by the Parties on Interim Measures, which is acceptable to the Tribunal, hereby:

(i) Takes note of the Claimant's withdrawal of the Application;

(ii) Vacates the hearing on the Claimant's Application scheduled for 29 June 2026.

(iii) Vacates the Tribunal's Decision, which shall produce no effects from the date of issuance of this Procedural Order;

(iv) Requires both Parties to keep the Tribunal and opposing counsel informed, by way of four days' written notice, of any new proceedings or any material change in any existing proceedings which might affect the Claimant's rights in relation to its Ukrainian Subsidiaries or the integrity of the arbitration. In particular, the Respondent shall provide four days' written notice to the Tribunal and to the Claimant of:

(a) any request by the Prosecutor General to transfer control of the Claimant's Ukrainian Subsidiaries to ARMA; and

(b) any new SSU application or request made as part of the SSU Cases; and

(v) Reminds both Parties of their obligation to litigate in good faith and refrain from aggravating the dispute.

12. This Order remains subject to the Tribunal's authority and powers under ICSID Arbitration Rule 47.

It is so ordered.

On behalf of the Tribunal,

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Ms. Lucinda Low
President of the Tribunal
Date: 26 June 2026