

**INTERNATIONAL CENTRE FOR SETTLEMENT
OF INVESTMENT DISPUTES**

WASHINGTON, D.C.

In the arbitration proceeding between

NABUCCO GAS PIPELINE INTERNATIONAL GMBH IN LIQU.
Claimant

and

REPUBLIC OF TURKEY
Respondent

ICSID Case No. ARB/15/26

**ORDER OF THE SECRETARY-GENERAL TAKING NOTE OF THE DISCONTINUANCE
OF THE PROCEEDING**

REPRESENTATION OF THE PARTIES

Representing Nabucco Gas Pipeline
International GmbH in Liqu.:

Ms. Ceyda Schwimann
Mr. Leopold Specht
Specht Partner Rechtsanwalt GmbH
Teinfaltstraße 8/5
1010, Vienna
Austria

Representing the Republic of Turkey:

Mr. Sami Arslan AŞKIN
Mr. İlker ÇETİN
Legal Services of Prime Ministry
Başbakanlık Hukuk Hizmetleri Başkanlığı
Başbakanlık Merkez Bina B Blok 3. Kat Vekâletler
Caddesi
Bakanlıklar 06573, Ankara
Turkey

Date of dispatch to the Parties: November 5, 2015

1. On May 19, 2015, the International Centre for Settlement of Investment Disputes (“ICSID”) received a request for arbitration from Nabucco Gas Pipeline International GmbH in Liquefied Natural Gas (“the Claimant”) for the institution of arbitration proceedings under the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (“the ICSID Convention”), in respect of a dispute with the Republic of Turkey (“the Request”).
2. The Request was registered on June 16, 2015, pursuant to Article 36(3) of the ICSID Convention and Rules 6(1)(a) and 7(a) of the ICSID Institution Rules.
3. In the absence of an agreement between the Parties, the Claimants invoked Article 37(2)(b) of the ICSID Convention, with one arbitrator appointed by each Party, and the President of the Tribunal appointed by agreement of the Parties.
4. On September 7, 2015, the Claimant appointed Professor Kaj Hobér, a national of Sweden, as Party appointed arbitrator. On September 14, 2015, the Respondent appointed Professor Rolf Knieper, a national of Germany, as Party appointed arbitrator.
5. On September 17, 2015, due to the Parties’ failure to reach agreement on a candidate for President of the Tribunal, the Claimant requested that ICSID proceed with appointment under Article 38 of the ICSID Convention and ICSID Arbitration Rule 4.
6. On October 2, 2015, ICSID transmitted a ballot of candidates for President of the Tribunal.
7. On October 28, 2015, prior to the constitution of an Arbitral Tribunal, the ICSID Secretariat received a letter from the Claimant, requesting the discontinuance of the proceeding pursuant to Rule 44 of the ICSID Rules of Procedure for Arbitration Proceedings (“Arbitration Rules”).
8. Rule 44 of the ICSID Arbitration Rules provides:

If a party requests the discontinuance of the proceeding, the Tribunal, or the Secretary-General if the Tribunal has not yet been constituted, shall in an order fix a time limit within which the other party may state whether it opposes the discontinuance. If no objection is made in writing within the time limit, the other party shall be deemed to have acquiesced in the discontinuance and the Tribunal, or if appropriate the Secretary-General, shall in an order take note of the discontinuance of the proceeding. If objection is made, the proceeding shall continue.

9. On October 29, 2015, the Secretary-General sent a letter to the Parties, in accordance with Rule 44 of the ICSID Arbitration Rules, ordering the Republic of Turkey to state whether or not it opposed the discontinuance of the proceeding by November 30, 2015.
10. On November 4, 2015, the ICSID Secretariat received a letter from the Republic of Turkey stating that it had no objections to the discontinuance of the proceeding.

ORDER

11. THEREFORE, considering the above and in accordance with Rule 44 of the ICSID Arbitration Rules, I hereby take note of the discontinuance of the proceeding.

[*Signed*]

Meg Kinnear
Secretary-General