



Professor Dr. Kaj Hobér  
3 Verulam Buildings  
Gray's Inn  
London, WC1R 5NT  
United Kingdom

BY E-MAIL:  
KAJ.HOBER@OUTLOOK.COM

Mr. Andrew Cannon  
Mr. Lode Van Den Hende  
Mr. Iain Maxwell  
Ms. Hannah Ambrose  
Ms. Louise Barber  
Ms. Juliana Penz-Evren  
Mr. Jerome Temme  
Ms. Helin Laufer  
Herbert Smith Freehills LLP  
Exchange House  
Primrose Street  
London, EC2A 2EG  
United Kingdom

BY E-MAIL:  
ANDREW.CANNON@HSF.COM  
LODE.VANDENHENDE@HSF.COM  
IAIN.MAXWELL@HSF.COM  
HANNAH.AMBROSE@HSF.COM  
LOUISE.BARBER@HSF.COM  
JULIANA.PENZ@HSF.COM  
JEROME.TEMME@HSF.COM  
HELIN.LAUFER@HSF.COM



Legal Service  
European Commission  
Rue de la Loi 200  
1049 Brussels  
Belgium

BY E-MAIL:



AG 308104  
TELEPHONE: +31 70 302 4140  
E-MAIL: MDOE@PCA-CPA.ORG

11 April 2020

RE: PCA CASE NO. 2020-07: NORD STREAM 2 AG (SWITZERLAND) V. THE EUROPEAN UNION

Dear Mesdames,  
Dear Sirs,

I write on the instructions of the Presiding Arbitrator and on behalf of the Tribunal in the above-referenced matter.

The Tribunal acknowledges receipt of the Parties' respective letters dated 8 April 2020, as well as the Respondent's e-mail of 5 April 2020.

### 1. Seat of Arbitration

Having considered the Parties' respective proposals and the reasons therefor, the Tribunal decides to fix Toronto, Canada as the seat of this arbitration. As per paragraph 2.2 of Draft Procedural Order No. 1,

such designation is without prejudice to the possibility of holding meetings and hearings with the Parties at the Peace Palace in The Hague or any other appropriate and convenient location.

## 2. Procedural Calendar

The Tribunal concurs with the Respondent that it would be desirable in this case to have the Claimant submit its memorial on the merits prior to deciding on the bifurcation or trifurcation of the proceedings. Equally, the Respondent should put forward its full case on jurisdiction together with any request it wishes to make that any jurisdictional or admissibility objections be decided as preliminary questions in a separate phase of the proceedings.

Accordingly, subject to further discussion of the dates to be fixed for each step, the Tribunal envisages the steps to be followed in the procedural calendar as follows:

Claimant's Memorial on the Merits and Final Injunction

Respondent's Memorial on Jurisdiction and Admissibility and Request for a Preliminary Phase on Jurisdiction and Admissibility

Claimant's Response to Request for a Preliminary Phase on Jurisdiction and Admissibility

Hearing on Request for a Preliminary Phase on Jurisdiction and Admissibility (if needed)

Tribunal's Decision on Request for a Preliminary Phase on Jurisdiction and Admissibility and Further Procedural Calendar

The Parties are invited to consult each other with a view to determining whether agreement can be found on the dates to be adopted for the steps in the procedural calendar noted above. The Parties are invited to advise the Tribunal by **Monday, 20 April 2020** of any agreements reached between them or their positions on the matters on which they disagree.

## 3. Transparency

As per the Tribunal's decision set forth in the PCA's letter dated 27 March 2020, the transparency regime that will be adopted by the Tribunal is that set forth in section 10 of Revised Draft Procedural Order No. 1. Namely, the UNCITRAL Transparency Rules shall apply to these proceedings, except as modified in paragraphs 10.1 and 10.2 of Revised Draft Procedural Order No. 1. The Tribunal considers this to be consistent with Article 25(4) of the UNCITRAL Arbitration Rules and the Parties' agreement on the publication of the award subject to redaction of sensitive information.

4. [REDACTED]

[REDACTED]

## 5. First Procedural Meeting

Under the circumstances, the Tribunal no longer considers it necessary to hold a procedural meeting with the Parties at this juncture.

\* \* \*

Please do not hesitate to contact me at the details set out above, or my colleague Mr. Neil Nucup (tel.: +31 70 302 4128, e-mail: nnucup@pca-cpa.org), should you have any queries concerning this letter.

Yours sincerely,



Martin Doe  
Senior Legal Counsel

cc: Justice David Unterhalter SC  
(by e-mail: david@unterhalter.law)

Prof. Philippe Sands  
(by e-mail: philippesands@matrixlaw.co.uk)

Prof. Ricardo Ramírez Hernández  
(by e-mail: ricardoramirezh@icloud.com)