

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**City-State N.V., Praktyka Asset Management Company LLC, Crystal-Invest LLC and
Prodiz LLC**

v.

Ukraine

(ICSID Case No. ARB/14/9)

AWARD

Mr Cavinder Bull, SC, President of the Tribunal
Mr Stanimir Alexandrov, Arbitrator
Professor Brigitte Stern, Arbitrator

Secretary of the Tribunal

Mr Benjamin Garel

26 July 2018

IX. DECISION

694. The majority of the Tribunal decides, orders, declares that:

- (a) the Tribunal has jurisdiction over the dispute submitted to it in this arbitration;
- (b) the conduct of the Respondent constitutes a violation of the duty of fair and equitable treatment under Article 3(2) of the BIT;
- (c) the conduct of the Respondent constitutes a violation of the prohibition of expropriation under Article 6 of the BIT;
- (d) the Respondent shall pay to the Claimants USD 8,910,490 (which is UAH 239,198,690 converted at the exchange rate of UAH 1 for USD 0.03725 applicable as at the date of the award);
- (e) the Respondent shall pay to the Claimants compound interest at the 12 month USD LIBOR rate + 4% compounded on a quarterly basis on the amount awarded in (d) above, such compound interest to run from 31 December 2013 until the date upon which payment is made;
- (f) the costs of the arbitration including the fees and expenses of the Tribunal and ICSID shall be shared by the Parties in equal portion and the Respondent shall therefore pay USD 399,886.57 to the Claimants;
- (g) each party shall bear its own legal costs and expenses; and
- (h) all other claims are dismissed.

Mr Stanimir A. Alexandrov
Arbitrator

Professor Brigitte Stern
Arbitrator

(subject to the attached dissenting opinion)

Date: *July 16, 2018*

Date: *July 7, 2018*

~~Mr Cavinder Bull, SC~~
President

Date: **M3, ^**