

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

ICSID CASE NO. ARB/21/51

DISCOVERY GLOBAL LLC

Claimant

v

THE SLOVAK REPUBLIC

Respondent

CONSOLIDATED INDEX OF FACTUAL EXHIBITS

Members of the Tribunal:

Professor Gabrielle Kaufmann-Kohler, President

Mr Stephen L. Drymer, Arbitrator

Professor Philippe Sands, Arbitrator

Secretary of the Tribunal: Ms Jara Minguez Almeida

Assistant to the Tribunal: Dr Magnus Jesko Langer

Factual Exhibits submitted with the Request for Arbitration		
Exhibit No.	Description	Date
C-1	Treaty Between The Czech And Slovak Federal Republic And The United States Of America Concerning The Reciprocal Encouragement And Protection Of Investments	22 October 1991
C-2	Statement about determination of exploration area of 18 July 2006, NR.: 7677/2006-6.2 (Svidník)	18 July 2006
C-3	Statement of determination of the exploration area of 17 July 2006, NR.: 7673/2006-6.2 (Medzilaborce)	17 July 2006
C-4	Statement about determination of exploration area of 18 July 2006, NR.: 7674/2006-6.2 (Snina)	18 July 2006
C-5	Decision about extension of the geological survey permit of 26 July 2010, Ref. No.: 44505/2010, File No.: 998/2010-9.3	26 July 2010
C-6	Decision about extension of the geological survey permit of 26 July 2010, Ref. No.: 44515/2010, File No.: 1000/2010-9.3 (Medzilaborce)	26 July 2010
C-7	Decision about extension of the geological survey permit of 26 July 2010, Ref. No.: 44509/2010, File No.: 999/2010-9.3	26 July 2010
C-8	Decision about exploration area term extension of 10 July 2014, Record Number: 33590/2014, File Number: 5670/2014-7.3 (Svidník)	10 July 2014
C-9	Decision about exploration area term extension of 9 July 2014, Record Number: 33409/2014, File Number: 5670/2014-7.3 (Medzilaborce)	9 July 2014
C-10	Decision about exploration area modification and extension of exploration area term of 15 July 2014, Record Number: 34186/2014, File Number: 5668/2014-7.3 (Snina)	15 July 2014
C-11	Decision about Exploration Area Assigning of 21 April 2015, Ref. No.: 20148/2015, File No.: 3792/2015-7.3 (Pakostov)	21 April 2015
C-12	Decision modifying the size of the area, and extending the validity term for the exploration area of 14 June 2016, Record No.: 33507/2016, Dossier No.: 5021/2016-7.3 (Svidník)	14 June 2016
C-13	Decision modifying the size of the area, and extending the validity term for the exploration area of 7 June 2016, Record No.: 32017/2016, Dossier No.: 5020/2016-7.3 (Medzilaborce)	7 June 2016
C-14	Decision modifying the size of the area, and extending the validity term for the exploration area of 7 June 2016, Record No.: 32020/2016, Dossier No.: 5019/2016-7.3 (Snina)	7 June 2016
C-15	Decision Modifying an Exploration Area of 8 June 2018, Record No.: 31581/2018, Dossier No.: 6109/2018-5.3 (Svidnik)	8 June 2018
C-16	Resolution of the Regional Court in Prešov dated 17 October 2011, file no. 6Co/85/2011	17 October 2011
C-17	Resolution of the Regional Court in Prešov dated 14 April 2016; Case Number 22Co/66/2016	14 April 2016
C-18	Statement of Smilno municipality regarding the classification of the Road	6 June 2016
C-19	Response from the Ministry of Agriculture regarding the Krivá Olka well and the lease approval	23 June 2016
C-20	Resolution of the Parliament of Presov	24 June 2016
C-21	Statement of the Ministry of Transport regarding the classification of the Road	29 November 2016

C-22	Statement of the Ministry of Transport regarding the classification of the Road	9 December 2016
C-23	Statement of the Ministry of Interior regarding the classification of the Road	19 December 2016
C-24	Statement of the Ministry of Interior regarding the classification of the Road	30 December 2016
C-25	Decision by the Ministry of Environment regarding the compulsory access order	6 March 2017
C-26	Formal notification of claim (notice of dispute) under the Treaty between the Czech and Slovak Republic and the United States of America	2 October 2020
Factual Exhibits submitted with the Claimant's Memorial		
C-27	1994 EU Directive 94-22-EC	30 June 1994
C-28	Discovery Global LLC certificate of incorporation	4 December 2004
C-29	Slovakia Notification regarding Directive 94/22 ECJ	20 April 2006
C-30	[REDACTED]	[REDACTED]
C-31	[REDACTED]	[REDACTED]
C-32	NAFTA a.s. section 29 applications (Slovak, with English translation)	2010
C-33	AOG's merger with Aurelian's operating subsidiaries	20 July 2010
C-34	Aurelian Oil & Gas Slovakia s.r.o Deed of Association	20 July 2010
C-35	Aurelian Oil and Gas - Prospects and Leads Inventory 2010 Slovakia	7 September 2010
C-36	Aurelian Oil & Gas Slovakia s.r.o - Smilno Annual Report to the Ministry of Environment (Slovak, with English translation)	January 2011
C-37	Aurelian – Slovakia 2010 Survey - Svidnik 2D seismic processing report	17 February 2011
C-38	Slovakia Svidnik Prospect and Lead Inventory 2011	28 April 2011
C-39	Aurelian - Presentation - Why we are interested in the Carpathians	9 May 2011
C-40	Summary of the work carried out by AOG between 2006-2010	9 May 2011
C-41	Crude oil chart	2012 to 2022
C-42	JKX Oil & Gas plc Annual Report 2012	2012
C-43	[REDACTED]	[REDACTED]
C-44	Svidnik Airborne Geophysical Survey	November 2012
C-45	Slovakia Project Update on exploration activities and geological fieldwork: Svidnik, Medzilaborce & Snina Blocks	February 2013
C-46	FTG Carpathian Thrust and Fold Belt Qualitative and Quantitative interpretation of full tensor gravity	March 2013

C-47	FTG Qualitative and Quantitative interpretation of full tensor gravity	4 March 2013
C-48	2013 European Commission Report – Member States' Energy Dependence: An Indicator-Based Assessment	18 April 2013
C-49	Confidentiality Agreement between San Leon Energy plc and Discovery GeoServices Corporation	16 September 2013
C-50	Non-Binding Letter of Intent between Discovery Polska LLC and San Leon Energy plc	1 December 2013
C-51	Letter from JKX	3 December 2013
C-52	Letter from Romgaz	9 December 2013
C-53	Discovery-AOG presentation to JKX and Romgaz (Partners Presentation)	5 March 2014
C-54	2014 SPP Report	11 March 2014
C-55	Agreement on Transfer of Participation Interests between Aurelian Oil & Gas Limited and AOG Finance Limited and Discovery Polska LLC	24 March 2014
C-56	Participation Interest Purchase and Sale Agreement	24 March 2014
C-57	AOG's approved proposed budget for 2014	10 April 2014
C-58	Opcom Minutes	10 April 2014
C-59	Gross Overriding Royalty Deed	24 April 2014
C-60	Well site locations visit note	20 August 2014
C-61	Opcom minutes	11 September 2014
C-62	Partner's technical presentation	11 September 2014
C-63	Energy Policy of the Slovak Republic	October 2014
C-64	Permit from Bardejov District Office for geological exploration (Slovak, with English translation)	4 November 2014
C-65	Agreement to use Real Property - Consent from Biodruzstvo (Slovak, with English translation)	10 November 2014
C-66	Opcom Minutes	28 November 2014
C-67	Agreement for Purchase of Overriding Royalty Interest	30 January 2015
C-68	JOA Budget	2 February 2015
C-69	Email from Mike Lewis to partners	25 February 2015
C-70	State Forestry consent for logging (Slovak, with English translation)	10 April 2015
C-71	Pakostov licence (Slovak, with English translation)	21 April 2015
C-72	Email from Ron Crow to AOG Team	28 April 2015
C-73	Lease Agreement between AOG and State Forestry (Slovak, with English translation)	4 May 2015
C-74	Lease for Smilno well site (Slovak, with English translation)	1 June 2015

C-75	Application to the Bardejov District Office for permit of geological exploration rights in Smilno (Slovak, with English translation)	1 June 2015
C-76	Lease of land for Smilno well site (Slovak, with English translation)	15 June 2015
C-77	Permit from the Bardejov District Office of geological exploration rights in Smilno (Slovak, with English translation)	17 June 2015
C-78	Email from Mike Lewis to Partners	24 June 2015
C-79	Partner Progress Report	25 August 2015
C-80	Opcom Presentation	16 September 2015
C-81	Opcom Minutes	16 September 2015
C-82	Project of Geological Works Kriva Olka	2 November 2015
C-83	Project of Geological Works Poruba	2 November 2015
C-84	Assignment of Overriding Royalty Interest	3 November 2015
C-85	Authority for Expenditure, Kriva Ol'ka	4 November 2015
C-86	Authority for Expenditure, Smilno	4 November 2015
C-87	AOG AFE Proposal Cover Letter	5 November 2015
C-88	AOG Smilno Project of Geological Works	11 November 2015
C-89	Slovak Land Fund consent (Slovak, with English translation)	26 November 2015
C-90	Order of District Court of Humenné (Slovak, with English translation)	27 November 2015
C-91	Kriva Olka Detailed Drilling Program	December 2015
C-92	Detailed Drilling Plan Kriva Olka (Slovak, with English translation)	December 2015
C-93	Detailed Drilling Plan Smilno (Slovak, with English translation)	December 2015
C-94	Detailed Drilling Programme Poruba	December 2015
C-95	Detailed Drilling Programme Smilno	December 2015
C-96	Photograph of the car with the bomb warning sign	December 2015
C-97	AOG 2016 approved budget	3 December 2015

C-98	Authority for Expenditure Poruba	3 December 2015
C-99	Drilling Plan	3 December 2015
C-100	Opcom Minutes	3 December 2015
C-101	Operations Update for Opcom	3 December 2015
C-102	Email from Lukasz Sopel to AOG team with attached Police reports	14 December 2015
C-103	Intentionally blank.	
C-104	Humenné District Office Decision exempting forest plots exempted from their function (Slovak, with English translation)	16 December 2015
C-105	Purchase Contract (Slovak, with English translation)	17 December 2015
C-106	Photograph of White car	17 December 2015
C-107	Photograph of White car	18 January 2016
C-108	Photograph of cars blocking Road	25 January 2016
C-109	Email from Vladimir Miskovcik	9 May 2016
C-110	Photograph of drilling site	June 2016
C-111	Photograph of drilling site	June 2016
C-112	Photograph of Ron Crow	June 2016
C-113	Photograph of cars blocking Road	June 2016
C-114	Photograph of cars blocking Road	June 2016
C-115	AOG press conference (video)	12 January 2016
C-116	Addendum No. 1 extending the Lease Agreement (Slovak, with English translation)	14 January 2016
C-117	Receipt for the delivery of the Kriva Olka lease amendment to Ministry of Agriculture (Slovak, with English translation)	15 January 2016
C-118	Application for Ministry of Agriculture consent (Slovak, with English translation)	17 January 2016
C-119	Photograph of car bolted into the public road	19 January 2016
C-120	Report to Partners – Status Update	20 January 2016
C-121	Letter from Ministry of Agriculture to AOG (Slovak, with English translation)	22 January 2016

C-122	Photograph of car bolted into the public road	23 January 2016
C-123	Photograph of car bolted into the public road	23 January 2016
C-124	Email from Stanislav Benada to AOG Team	9 February 2016
C-125	Decision of District Court of Bardejov (Slovak, with English translation)	18 February 2016
C-126	Decision of Presov appeal court (Slovak, with English translation)	19 February 2016
C-127	AOG Report to Partners	23 March 2016
C-128	AOG Resolution regarding Smilno extension	23 March 2016
C-129	Agreement on Transfers of Participation Interests between Aurelian Oil & Gas Limited; AOG Finance Limited and Discovery Polska LLC	27 March 2016`
C-130	Email from K Wolf to AOG	13 May 2016
C-131	Email from Stanislav Benada to AOG Team	20 May 2016
C-132	Letter to Ministry of Agriculture	May 2016
C-133	Photograph of mobile drilling rig	June 2016
C-134	Email refusing meeting with Ministry of Agriculture	7 June 2016
C-135	AOG's internal report: weekly status report	15 June 2016
C-136	Photograph: Protestors locking arms	16 June 2016
C-137	Email from Cveckova to Fraser in relation to Smilno updates	18 June 2016
C-138	AOG internal email in relation to Smilno updates	18 June 2016
C-139	Land Registry Extract Plot (945) (Slovak, with English translation)	20 June 2016
C-140	Land Registry Extract Plot (2721) (Slovak, with English translation)	20 June 2016
C-141	Email from Ron Crow to AOG Team	21 June 2016
C-142	AOG Letter to State Forestry (Slovak, with English translation)	18 July 2016
C-143	AOG section 29 application (Slovak, with English translation)	17 August 2016

C-144	Ministry of Environment response to AOG Application under s.29 of the Geology Act (Slovak, with English translation)	20 September 2016
C-145	Email from Mr Lewis to JKX and Romgaz in relation to signage	29 September 2016
C-146	Email from Mike Lewis to Partners	3 October 2016
C-147	The order of the Bardejov District Court (Slovak, with English translation)	5 October 2016
C-148	AOG report to JKX and Romgaz	11 October 2016
C-149	Intentionally Blank	
C-150	Email from Mr Lewis to JKX and Romgaz in relation to signage	12 October 2016
C-151	Email from Mr Fraser in relation to signage	14 October 2016
C-152	Internally circulated AOG well status report	25 October 2016
C-153	Letter sent by the Police to the Smilno municipality (Slovak, with English translation)	11 October 2016
C-154	Photograph – road block	15 November 2016
C-155	Appeal filed by Mrs Varjanova (Slovak, with English translation)	25 November 2016
C-156	Section 29 – various communications between the Ministry of Environment, State Forestry and Ministry of Agriculture (Slovak, with English translation)	25 November 2016
C-157	Ministry of Environment Press Release (Slovak, with English translation)	29 November 2016
C-158	Email from Ms Cveckova to the AOG attendees ahead of the meeting at the Ministry of Environment	9 December 2016
C-159	AOG's presentation slides for meeting at the Ministry of Environment (Slovak, with English translation)	13 December 2016
C-160	Letter to Minister of Environment (Slovak, with English translation)	14 December 2016
C-161	Slamka Partners - Smilno report by JUDr. Pavol Vargaestok of the events on 17-18 June 2016	14 December 2016
C-162	Letter to Ministry of Environment (Slovak, with English translation)	21 December 2016
C-163	Ministry of Environment Press Release (Slovak, with English translation)	17 January 2017

C-164	Korzar Article – Minister Comments on the Borehole Near Smilno (Slovak, with English translation)	27 January 2017
C-165	Ministry of Environment Response re. Application under s.29 of the Geology Act (Slovak, with English translation)	9 February 2017
C-166	Key principles – Alpine Oil & Gas Commitment to communities in North East Slovakia	11 February 2017
C-167	AOG response to Ministry of Environment re. s.29 of the Geology Act (Slovak, with English translation)	15 February 2017
C-168	Ministry of Environment Press Release (Slovak, with English translation)	15 February 2017
C-169	AOG's report to Partners	10 March 2017
C-170	Resolution of Presov Regional Court (Slovak, with English translation)	4 April 2017
C-171	Press Release in relation to AOG's commitment to local communities in North-East Slovakia (Slovak, with English translation)	5 April 2017
C-172	Note to potential investors into Discovery	June 2017
C-173	AOG Smilno preliminary Environmental Impact Assessment application (Slovak, with English translation)	6 June 2017
C-174	Decision of Minister of Environment (Slovak, with English translation)	13 June 2017
C-175	AOG Poruba preliminary Environmental Impact Assessment application (Slovak, with English translation)	4 July 2017
C-176	Decision re. Smilno Environmental Impact Assessment (Slovak, with English translation)	2 August 2017
C-177	AOG - Kriva-Olka preliminary Environmental Impact Assessment application (Slovak, with English translation)	7 August 2017
C-178	Alpine Oil & Gas Current Activities in Slovakia	September 2017
C-179	Humenne District Office Decision (Slovak, with English translation)	7 September 2017
C-180	Discovery Global, LLC: Exploration and appraisal in Slovakia, Investor introduction	October 2017
C-181	Environmental Impact Assessment appeal against the Humenne district office decision (Slovak, with English translation)	6 October 2017
C-182	Kriva Olka preliminary Environmental Impact Assessment objections and responses (Slovak, with English translation)	18 December 2017

C-183	Energy Policies of the IEA Countries 2018 Review-Slovak Republic	2018
C-184	District Authority Presov: Environment Impact Assessment Decision on the appeal Ruská Poruba (Slovak, with English translation)	11 January 2018
C-185	Email from Romgaz re JKX departure	22 February 2018
C-186	Medzilaborce District Office Decision (Slovak, with English translation)	8 March 2018
C-187	Email from JKX re. withdrawal	16 March 2018
C-188	Email from JKX re. withdrawal - Medzilaborce	16 March 2018
C-189	Email from JKX re. withdrawal – Snina	16 March 2018
C-190	Email from JKX re. withdrawal – Svidnik	16 March 2018
C-191	Romgaz formal notice of relinquishment re. Svidnik	6 April 2018
C-192	AOG's report for Romgaz proposing relinquishment of Medzilaborce and Snina license and Svidnik being reduced	22 March 2018
C-193	AOG notice of withdrawal from Medzilaborce	13 April 2018
C-194	AOG notice of withdrawal from Snina	13 April 2018
C-195	JKX notice of withdrawal from Medzilaborce	20 April 2018
C-196	JKX notice of withdrawal from Snina	20 April 2018
C-197	Romgaz notice of withdrawal from Medzilaborce	25 April 2018
C-198	Romgaz notification of withdrawal from the Snina licence	25 April 2018
C-199	Ministry of Environment Decision on Medzilaborce relinquishment (Slovak, with English translation)	25 May 2018
C-200	Ministry of Environment Decision on Snina relinquishment (Slovak, with English translation)	25 May 2018
C-201	Ministry of Environment decision rejecting s.29 Application (Slovak, with English translation)	21 June 2018
C-202	Czech Gas Holding Investment BV website -Verification Report (Slovak, with English translation)	9 October 2018
C-203	Energy Policies of IEA Countries: The Slovak Republic 2012 Review	November 2018

C-204	AOG's report to Partners	2 November 2018
C-205	AOG's report to Partners	28 February 2019
C-206	Evidence of Ministry of Environment granting 16 out of 17 requests for s.29 order between 2008-2020 (Slovak, with English translation)	2020
C-207	Romgaz formal notice of Withdrawal - Svidnik	6 April 2020
C-208	IEA Slovak Republic Report: Key energy statistics 2020	2022
C-209	NAFTA Presentation – Map of exploration licences obtained in Slovakia	2022
C-210	NAFTA website screenshot	2022
C-211	Romgaz Company Profile Website extract	2022
C-212	List of 64 licence renewal decisions	15 February 2022
C-213	Cost Estimation Summary Spreadsheet	Undated
C-214	Act No 8.2009 (the Road Traffic Act) (2015) (Slovak, with English translation)	2015
C-215	Act No 8.2009 (the Road Traffic Act) (2016) (Slovak, with English translation)	2016
C-216	Act No 44.1988 (the Mining Act) (Slovak, with English translation)	2015
C-217	Act No 313.1999 (the Old Geology Act) (Slovak, with English translation)	2007
C-218	Act No 569.2007 (the Geology Act) (2009) (Slovak, with English translation)	2009
C-219	Act No 569.2007 (the Geology Act) (2013) (Slovak, with English translation)	2013
C-220	Act No 569.2007 (the Geology Act) (ENG) (2018) (Slovak, with English translation)	2018
C-221	Act No135.1961 (the Road Act) (Slovak, with English translation)	2015
C-222	Act No171.1993 (the Police Act) (Slovak, with English translation)	2015
C-223	Decree No.35.1984 (the Road Decree) (Slovak, with English translation)	1984

C-224	Environmental Impact Assessment Act (2016) (Slovak, with English translation)	2016
C-225	EIA Act (2017) (Slovak, with English translation)	2017
C-226	NAFTA website-shareholders	
C-227	Photograph of the Smilno well site location; access road	
C-228	San Leon Energy plc Annual Report and Accounts 2013	2013
C-229	Slovak Civil Procedure Act paragraphs 358 and 359 (Slovak, with English translation)	2015
C-230	Slovak State Forestry website – executive director section	
C-231	Discovery Global LLC website extract	
C-232	DMT Technologies website - extract	
C-233	Photograph of a mobile drilling rig	June 2016
C-234	Romgaz Notice of Withdrawal	7 April 2020
C-235	Preliminary feasibility study of project Smilno	Undated
C-236	Extract from the Business Register of the District Court Bratislava	25 November 2015