



June 24, 2024

By email

Klesch Group Holdings Limited
and Raffinerie Heide GmbH
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Re: Klesch Group Holdings Limited and Raffinerie Heide GmbH
v. Federal Republic of Germany
(ICSID Case No. ARB/23/49)

Dear Sirs and Mesdames,

The Tribunal has carefully considered the application by the Respondent in ICSID Case No. ARB/23/49 for the Tribunal to order that the Claimants waive confidentiality over tax documents. The Tribunal has also considered the Claimants' Response to this application.

The Tribunal is of the view that the Respondent's application should be denied. The Tribunal does not consider a general waiver as sought by the Respondent to be necessary or appropriate. It would also likely be overbroad. Rather, the Tribunal's view is that issues relating to document production should be dealt with within the context of specific document requests and objections that may be made to such requests. At the appropriate stage of these proceedings, the Respondent may make specific requests of the Claimants to produce documents which are in its possession that the counsel team representing the Respondent is presently not able to obtain from the German tax authorities. If objections are made to those requests, the Tribunal will then deal with those objections to production.

In the circumstances, the Respondent's application is denied. Costs of the application are reserved.

Yours sincerely,

[signed]

Aurélia Antonietti
Secretary of the Tribunal

cc (by email): Members of the Tribunal

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