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Paris, 15 May 2025

VIA E-MAIL

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SUBJECT : Mr. Peteris Pildegovics and SIA North Star v The Kingdom of Norway, ICSID Case ARB/20/11, Annulment Proceedings – Document Production

Dear Members of the *Ad Hoc* Committee,

Applicants write to the Committee to formally admit into the record, pursuant to section 15.5 of Procedural Order No.1 (**PO1**) exhibits **A-0001** to **A-0202**, out of an abundance of caution.

However, as will be seen, a request may be necessary only for 12 exhibits submitted with the Memorial on Annulment (**A-0146** to **A-0151**, **A-0155**, **KL-064**, **KL-065**, **PP-0229** to **PP-0231**), and for the 45 exhibits which constitute Norway's document production and which have not yet been submitted into the record (**A-0158** to **A-0202**).

In this letter we recall the framework for the admission of exhibits constituting new evidence in the present annulment proceedings (**A**). We then provide an overview of exhibits, witness



statements and authorities submitted into the record **(B)**. We then provide an overview, by date of submission, of new exhibits submitted into the record (**A-0119** to **A-0157**) and also of new exhibits announced but not yet submitted into the record (**A-0158** to **A-0202**) **(C)**. We then provide the rationale for inclusion of all exhibits (**A-0001** to **A-0202**, as well as **KL-064**, **KL-065**, and **PP-0229** to **PP-0231**) into the record **(D)**.

Applicants also include, as **Annex I**, the list of exhibits **A-0119** to **A-0157** already submitted, and those proposed to be added as **A-0158** to **A-0202**, as well as **KL-064**, **KL-065**, and **PP-0229** to **PP-0231**.

A) Framework to add new evidence in the present annulment proceedings

To recall, section 15.5 of PO1 provides :

*In principle, no new documentary evidence shall be admitted in this proceeding unless the Committee determines that **special circumstances** exist based on a reasoned written request followed by observations from the other party. Should either party wish to introduce new documents, other than legal authorities, that party shall file a request to the Committee to that effect. The party may not annex to its request the document(s) that it seeks to file. The Committee will promptly decide on the admissibility of the new documentary evidence, after hearing from the other party. If the request is granted, the Committee will afford the other party an opportunity to respond to the new documentary evidence.*

[emphasis added]

Moreover, section 15.3 may be recalled:

*Given the nature of an annulment proceeding, the Committee expects that the parties will refer primarily to the evidentiary record from the arbitration proceeding and it does not expect to receive new evidence (exhibits, witness statements or expert reports). However, **new witness statements shall be allowed**.*

[emphasis added]

B) Overview of exhibits, witness statements and authorities submitted

Since the beginning of the annulment proceedings, Applicants have, as at 6 May 2025, submitted:

- Exhibits **A-0001** to **A-0157**. In addition, in the application of 6 May 2025 for document production, Applicants announced their intention to request introduction of the documents produced by Norway on 18 March 2025, including those referred to in the 6 May 2025 application as **A-0158** to **A-0161** as well as **A-0162** to **A-0202**, as discussed below;

- Witness statements from Peteris Pildegovics (2 statements), including three exhibits, **PP-0229** to **PP-0231**, attached to his second witness statement, and from Kirill Levanidov (1 statement), including two exhibits, **KL-0064** to **KL-0065**; and
- Legal authorities **AL-0001** to **AL-0122**.

To submit legal authorities and witness statements, Applicants need no authorization.

C) Overview of new exhibits submitted into the record by date (A-0119 to A-0157) and new exhibits announced but not submitted (A-0158 to A-0202)

Additional exhibits were introduced, or announced to be introduced, on 7 different dates:

- **10 April 2024:** Applicants' Stay of Enforcement Application (**A-0119** to **A-0123**)
- **26 April 2024:** Applicants' Reply for Continuation of Stay of Enforcement (**A-0124** to **A-0135**)
- **10 October 2024:** Applicants' Letter to Ad Hoc Committee on Legal Protection Proceedings and Stay of Enforcement (**A-0136**)
- **23 October 2024:** Applicants' Letter to Ad Hoc Committee on Legal Protection Application and Update (**A-0137** and **A-0138**)
- **18 November 2024:** Applicants' Reply on Respondent Request for Security for Costs (**A-0139** to **A-0142**)
- **21 January 2025:** Applicants' Memorial for Annulment of the Award of 22 December 2023 (**A-0143** to **A-0157**; **PP-0229** to **PP-0231**; and **KL-0064**, **KL-0065**)
- **6 May 2025:** Applicants' Second Request for Production of Documents (announcing **A-0158** to **A-0202**)

D) Rationale for inclusion of exhibits A-0001 to A-0202 into the record

Applicants first note exhibits **A-0001** to **A-0118** are exhibits already in the arbitration record. They were numbered "**A-XXXX**" for ease of reference as they did not have specific numbering in the arbitration record. As such, no authorization is needed to introduce those exhibits into the record. Applicants nonetheless do so out of an abundance of caution.

It is only on 8 November 2024 that the Committee adopted PO1. As such, Applicants assumed there was no need to apply for inclusion of **A-0119** to **A-0138** into the record, as they were introduced in the proceedings between 10 April and 23 October 2024. Applicants nonetheless do so out of an abundance of caution.

Exhibits **A-0119** to **A-0138** were necessary to Applicants' defense on the application to stay enforcement of the award. Those exhibits were considered in the Committee's decision on the matter of 7 November 2024, and Norway never protested their inclusion prior to that decision.

As for exhibits **A-0139** to **A-0142**, they were introduced by Applicants on 18 November 2024 in the context of Norway's security for costs application, to defend it. Those exhibits were necessary to the defense of Norway's application. Norway never protested their inclusion into the record prior to Procedural Order No. 2 of 20 December 2024 deciding the matter.

Norway now appears to wish that Applicants make a formal application in respect of either the aforementioned exhibits or those introduced in the Memorial on annulment.

As can be seen in in **Annex I**, in respect of exhibits submitted with the Memorial of 21 January 2025, **A-0143** to **A-0145**, as well as **A-0152**, **A-0156**, **A-0157**, are not documents containing new evidence. These exhibits are correspondence dating back to 2022 and 2023 to and from the Tribunal in the original arbitration. They were renamed to facilitate reference to them. However, since they were already part of the arbitration record, there is no need to make a formal request to have them included in the record. Such a request is in any event made.

As for exhibits **A-0155**, **KL-0064**, and **KL-0065**, they contain factual information about Wikborg Rein essential to support the appellants' request for annulment on the grounds of conflict of interest. As for exhibits **PP-0229**, **PP-0230** and **PP-0231**, they contain essential factual information about the Glimstedt law firm in support of Applicants' request for annulment on the grounds of a conflict of interest.

There is no doubt there exists "*special circumstances*", as required by section 15.5 of PO1, to introduce into the record the following six exhibits: **A-0155**, **KL-0064**, **KL-0065**, and **PP-0229** to **PP-0231**. Indeed, in Procedural Order No. 3 (decision on document production of 6 March 2025), the Committee ordered document productions relating to potential conflicts of interest of Glimstedt, Wikborg Rein and KPMG. Moreover, Norway did not oppose such production requests. As such, Norway agrees "*special circumstances*" exist. For the avoidance of doubt, and noting that five of these six exhibits were joined to witness statements (which themselves are authorized without an application), Applicants hereby request introduction into the record of **A-0155**, **KL-0064**, **KL-0065**, and **PP-0229** to **PP-0231**.

As for exhibits **A-0146** to **A-0151**, they all concern Applicants' first ground for annulment: that the Tribunal failed to discharge its duty to properly adjudicate the dispute. Two of these exhibits are publicly available documents from ICSID (**A-0148**) and the ICC Court of Arbitration (**A-0151**) concerning how arbitrators are paid in ICSID cases and referring to general duties of arbitrators. As for the other four exhibits (**A-0146**, **A-0147**, **A-0149**, **A-0150**), they consist in computing or analysis of how much time arbitrators have spent on deciding investment treaty cases. Properly speaking, these exhibits are, in essence, legal arguments and analysis based on legal authorities (the relevant awards). As such, these exhibits do not raise new facts. In any event, these exhibits are necessary to Applicants' ground for annulment that the arbitrators did not spend sufficient time on the matter. As such, and for the avoidance of doubt, Applicants request their inclusion into the record.

As for exhibits **A-0153** and **A-0154**, they actually constitute legal authorities, being the ICJ's *Diallo* judgment of 30 November 2010 and Judge Greenwood's separate opinion of the same date in that case. For the avoidance of doubt, Applicants request their inclusion into the record as such, but intend to relabel them as legal authorities with the Reply.

The Applicants now address their request for the inclusion of **A-0158** to **A-0202** into the record. None of these documents have to date been submitted by Applicants, though **A-0158** to **A-0161** have been referred to in Applicants' second request for documents of 6 May 2025. These documents constitute the document production of Norway of 18 March 2025, ordered by the Tribunal. Since the documents, which all pertain the potential conflicts of interests of KPMG, Wikborg Rein and Glimstedt, were ordered to be produced by the Tribunal, they necessarily all go to "*special circumstances*" within the terms of section 15.5 of PO1. As such, they can be introduced into the record.

Finally, while the inclusion of exhibit **A-0120** was already addressed above, a further observation is useful. The inclusion of exhibit **A-0120** into the record is essential and fundamental to Applicants' annulment proceedings. There is also not doubt it goes to "*special circumstances*". In the Award, the Tribunal doubts the existence of the diplomatic note sent by the EU to Norway on 30 October 2023 (which nonetheless exists, as shown by **A-0120**). That diplomatic note was sent in protest against the judgment of the Norwegian Supreme Court of 20 March 2023. The Tribunal relies on the alleged non-existence of this diplomatic note to dismiss Applicants' claim and not reopen the proceedings to discuss this note, despite Applicants' request to do so, and Applicants' request to have this note introduced into the record (which the Tribunal ignored). The sole existence of **A-0120** should, in and of itself, lead to the annulment of the entire Award, whether the Tribunal rendered (or not) a procedural decision on 5 December 2023 never notified to the parties, as recognized by Norway.¹

For the above reasons, Applicants request formal inclusion into the record of **A-0001** to **A-0202**, as well as **PP-0229** to **PP-0231**, and **KL-0064** and **KL-0065**.

The Applicants thank in advance the Committee for its attention to the matters raised in the present letter and remain at their disposal with respect to any further questions arising from the above.

Sincerely,

[signed]

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¹ Norway's Counter-Memorial, para. 43 ("*The Applicants' case is built upon the supposition that there was a further decision of 5 December 2023, in which the Tribunal refused to admit the Applicants offered exhibit C-0360 to the record, **which neither the Applicants nor Norway received**.*" [emphasis added]).

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ANNEX I

APPLICANTS' STAY OF ENFORCEMENT APPLICATION, 10 APRIL 2024			
NO	DATE	DESCRIPTION	
A-0119	12 January 2024	Letter of Norway to Claimants	159
A-0120	30 October 2023	EU Diplomatic Note to Norway	159
A-0121	17 March 2022	Email from Nicole G. Johnson to Pierre-Olivier Savoie	159
A-0122	18 March 2022	Email from Nicole G. Johnson to Pierre-Olivier Savoie	159
A-0123	30 March 2022	Email from Nicole G. Johnson to Pierre-Olivier Savoie	159

APPLICANTS' REPLY FOR CONTINUATION OF STAY OF ENFORCEMENT, 26 APRIL 2024			
NO	DATE	DESCRIPTION	
A-0124	23 April 2024	Letter from ICSID to the parties	
A-0125	2022	Annual Report of SIA North Star for FY 2022	
A-0126	19 April 2024	Letter from Respondent	
A-0127	1999-2023	Trading Economics Chart of Norway Budget Surpluses and Deficits 1999-2023	
A-0128	2 September 2020	Reuters, "Norway's government in deficit for the first time in 25 years"	
A-0129	2022	Government Pension Fund Global, Annual Report 2022	
A-0130		Wikipedia, "Government Pension Fund of Norway"	
A-0131		PWC Tax Summary for Norway on Corporate Income Tax	
A-0132		PWC Tax Summary for Norway on Value Added Tax	
A-0133	12 October 2020	Decision on Bifurcation and Other Matters	
A-0134	23 May 2023	Letter of Baltjura to ICSID	
A-0135	29 May 2023	Letter of ICSID to Baltjura	

APPLICANTS' LETTER TO AD HOC COMMITTEE ON LEGAL PROTECTION PROCEEDINGS AND STAY OF ENFORCEMENT, 10 OCTOBER 2024



A-0136		Insolvency Law (Latvia)
APPLICANTS' LETTER TO AD HOC COMMITTEE RE LEGAL PROTECTION APPLICATION UPDATE, 23 OCTOBER 2024		
A-0137	22 October 2024	Application for Legal Protection of SIA North Star
A-0138	22 October 2024	Application for Legal Protection of SIA Arctic Trawlers
APPLICANTS' REPLY ON RESPONDENT REQUEST FOR SECURITY FOR COSTS, 18 NOVEMBER 2024		
A-0139	25 October 2024	Latvian court decision on North Star
A-0140	18 October 2023	Alison Ross, "Annulment committee challenged in case against Oman", Global Arbitration Review
A-0141	18 November 2024	"Mutatis Mutandis": Cambridge Dictionary online, consulted 18 November 2024
A-0142	26 June 2020	Lisa Bohmer, "Majority in Unionmatex v. Turkmenistan agrees to rescind security for costs order"
APPLICANTS' MEMORIAL FOR ANNULMENT OF THE AWARD OF 22 DECEMBER 2023, 21 JANUARY 2025		
A-0143	24 August 2022	Letter from Claimants to the Tribunal
A-0144	24 March 2023	Norway's Letter to the Tribunal
A-0145	27 March 2023	Email from Tribunal
A-0146		Excel file "Average time spent by the tribunal adjudicating a case in other ICSID proceedings if compared to the SIA North Star proceedings," sheet "Applicable rates"
A-0147		Exported PDF file of sheet "Applicable rates" (<i>ref. A-0146</i>)
A-0148	1 July 2022	ICSID, "Memorandum on the Fees and Expenses (2022)"
A-0149		Exported PDF file of sheet "Main data" (<i>ref. A-0146</i>)
A-0150		Explanatory note to the analysis of an average time spent by the tribunal adjudicating a case in ICSID proceedings if compared to the SIA North Star proceedings
A-0151	1 January 2021	ICC Note to Parties and Arbitral Tribunals on the Conduct of Arbitration
A-0152	22 December 2023	Email from Govert Coppens to the Parties with Tribunal's Letter attached

A-0153	30 November 2010	<i>Case concerning Ahmadou Sadio Diallo</i> , ICJ Judgment
A-0154	30 November 2010	<i>Case concerning Ahmadou Sadio Diallo</i> , Joint Declaration of Judges Keith and Greenwood
A-0155	21 January 2025	IFLR 1000, Wikborg Rein
A-0156	30 September 2022	Letter from Claimant to Tribunal
A-0157	26 October 2022	The Tribunal's letter

**APPLICANTS' SECOND REQUEST FOR PRODUCTION OF DOCUMENTS, 6 MAY 2025
ANNOUNCED BUT NOT SUBMITTED INTO THE RECORD**

A-0158	3 December 2020	Email from KPMG
A-0159	3 December 2020	KPMG purchase order
A-0160	11 May 2021	Geir Sviggum email, 13 :40
A-0161	6 May 2021	Email of Olav Myklebust to Geir Sviggum
A-0162	30 March 2021	Email from the Norwegian Embassy in Riga to Ms Medne, 11 :46
A-0163	30 March 2021	Email from Ms Medne to the Norwegian Embassy in Riga, 11 :51
A-0164	30 March 2021	Email from the Norwegian Embassy in Riga to Ms Medne, 12 :12
A-0165	30 March 2021	Email from Ms Medne to the Norwegian Embassy in Riga, 15 :15
A-0166	30 March 2021	Email from the Norwegian Embassy in Riga to Ms Medne, 15 :53
A-0167	31 March 2021	Email from the Norwegian Embassy in Riga to Ms Medne, 9 :35
A-0168	31 March 2021	Email from Ms Medne to the Norwegian Embassy in Riga, 11 :06
A-0169	31 March 2021	Email from the Norwegian Embassy in Riga to Ms Medne, 15 :53

A-0170	6 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 21 :16
A-0171	7 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 13 :52
A-0172	7 May 2021	Email from the Ministry of Foreign Affairs to Wikborg Rein, 15 :42
A-0173	10 May 2021	Email from the Ministry of Foreign Affairs to Wikborg Rein, 13 :41
A-0174	10 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 15 :24
A-0175	10 May 2021	Email from the Ministry of Foreign Affairs to Wikborg Rein, 15 :48
A-0176	2 December 2020	Email from KPMG to the Ministry of Foreign Affairs, 16 :04
A-0177	2 December 2020	Email from the Ministry of Foreign Affairs to KPMG, 16 :08
A-0178	3 December 2020	Email from KPMG to the Ministry of Foreign Affairs, 14 :38
A-0179	24 November 2020	Email from the Ministry of Foreign Affairs to KPMG, 12 :32
A-0180	24 November 2020	Email from the Ministry of Foreign Affairs to KPMG, 12 :32, Attachment to the email
A-0181	25 November 2020	Email from KPMG to the Ministry of Foreign Affairs, 10 :51
A-0182	26 November 2020	Email from KPMG to the Ministry of Foreign Affairs, 10 :41
A-0183	26 November 2020	Email from the Ministry of Foreign Affairs to KPMG, 10 :43
A-0184	26 November 2020	Email from KPMG to the Ministry of Foreign Affairs, 11 :44
A-0185	11 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 13 :40
A-0186	2 December 2020	Email from the Ministry of Foreign Affairs to KPMG, 12 :49

A-0187	2 December 2020	Email from the Ministry of Foreign Affairs to KPMG, 16 :12
A-0188	12 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 16 :12
A-0189	20 May 2021	Email from the Ministry of Foreign Affairs to Wikborg Rein, 12 :34
A-0190	20 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 13 :44
A-0191	20 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 13 :44, Attachment to the email
A-0192	20 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 13 :44, Attachment to the email
A-0193	25 May 2021	Email from the Ministry of Foreign Affairs to Wikborg Rein, 12 :59
A-0194	25 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 13 :01
A-0195	25 May 2021	Email from the Ministry of Foreign Affairs to Wikborg Rein, 14 :40
A-0196	25 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 14 :46
A-0197	25 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 15 :21
A-0198	25 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 15 :21, Attachment to email, Purchase Order
A-0199	26 May 2021	Email from the Ministry of Foreign Affairs to Wikborg Rein, 12 :42
A-0200	26 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 12 :44
A-0201	10 May 2021	Email from Wikborg Rein to the Ministry of Foreign Affairs, 15 :53
A-0202	18 March 2025	List of documents submitted by Norway in Accordance with Procedural Order No. 3

FIRST WITNESS STATEMENT OF KIRILL LEVANIDOV, 21 JANUARY 2025		
NO	DATE	DESCRIPTION
KL-0065	20 January 2025	Emilie Falch LinkedIn page
KL-0065	20 January 2025	Oddbjorn Slinning LinkedIn page
SECOND WITNESS STATEMENT OF PETERIS PILDEGOVICS, 21 JANUARY 2025		
NO	DATE	DESCRIPTION
PP-0231	20 January 2025	Glimstedt website, contacts page
PP-0231	23 June 2022	Email from Claimant to Norway with attached received Letter of Glimstedt Riga's response
PP-0231	24 June 2022	Letter from Claimant to Norway on Glimstedt law firm