



SAVOIE
ARBITRATION

Savoie Arbitration s.e.l.a.s.u.
26 rue Vignon
75009 Paris

T +33 1 86 64 17 48
M +33 6 14 37 23 19
F +33 1 76 54 32 57

pierre-olivier.savoie@
savoiearbitration.com

Paris, 7 July 2025

VIA E-MAIL

To:

Lucinda A. Low

Low & Kinnear Dispute Resolution LLC
1717 K St NW Ste 900
Washington DC 20006-5349
United States of America

Professor Andrea K. Bjorklund

L. Yves Fortier Chair in International Arbitration and International Commercial Law
McGill University Faculty of Law
Chancellor Day Hall
3644 rue Peel
Montréal, Québec
Canada

Professor Dr. Maxi Scherer

ArbBoutique
49 Park Lane
1 Paternoster Lane, London, EC4M 7BQ, United Kingdom
20, rue des Pyramides, 75001 Paris, France

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

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-0206** to **A-0224**.

Exhibits **A-0206** to **A-0221** requested to be entered into the record are documents produced by Respondent in accordance with Procedural Order No. 4 (**PO4**) but not yet entered into the record, as the result of Applicants' second request for document production. Exhibits **A-0222** and **A-0223** are the lists of documents submitted by Respondent in accordance with Procedural Order No. 3 (**PO3**) and **PO4**. The last exhibit, **A-0224**, aims to illustrate the functions exercised by Mr. Jervell, lead counsel of Norway, at the time where policy measures affecting Applicants were adopted by the Legal Department of the Ministry of Foreign Affairs of Norway. It is his



current LinkedIn profile showing that between 2012 and 2017 he was director of the law of the sea, environmental and treaty law section of Norway's Ministry of Foreign Affairs.

In this letter we recall the framework for admission of exhibits constituting new evidence in the present annulment proceedings **(A)**. We then provide an overview of the exhibits submitted into the record **(B)** and the detail of those exhibits **(C)**. We then provide the rationale for inclusion of all exhibits into the record **(D)**.

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]

B) Overview of exhibits submitted

On 6 May 2025, Applicants filed a Second Application for the Committee to decide on the production of documents.

On 11 June 2025, the Committee issued its decision on the second admission of documents in PO4.

On 25 June 2025, in accordance with PO4 and the Redfern Schedule, Respondent identified 16 documents to be produced and sent those documents to Applicants and the Committee.

Applicants now seek formal admission into the record of the following documents sent by Respondent:

- Exhibits **A-0206** to **A-0221** which consist of the documents sent by Respondent as a result of Applicants' Second Document Production Request;
- Exhibits **A-0222** and **A-0223** which are the lists of documents submitted by Respondent in accordance with Procedural Orders No. 3 and No. 4.

In addition, Applicants seek formal admission into the record of the following document:

- Exhibit **A-0224** which is a screenshot of the LinkedIn profile of Mr. Kristian Jervell which shows that from August 2012 to August 2017, Mr. Jervell was Director and Head of the Section for the Law of the Sea, Environment and Treaty Law of Norway's Ministry of Foreign Affairs.

C) Detail of new exhibits submitted into the record

- **A-0206**, 29 March 2021, Email from the Norwegian Ministry of Foreign Affairs to the Norwegian Embassy in Riga;
- **A-0207**, 30 March 2021, Email from the Norwegian Embassy in Riga to the Norwegian Ministry of Foreign Affairs, 12:52 and email from the Embassy to Agnese Medne, 13:14;
- **A-0208**, 4 July 2019, Framework Agreement between the Norwegian Ministry of Foreign Affairs and KPMG AS;
- **A-0209**, 30 April 2019, Framework Agreement for the provision of legal services between the Norwegian Ministry of Foreign Affairs and Wikborg Rein Advokatfirma AS;
- **A-0210**, 18 January 2016, Wikborg Rein - Guidelines for admission and registration of new matters – redacted;
- **A-0211**, 12 December 2019, Wikborg Rein - Ethical guidelines (etiske retningslinjer);
- **A-0212**, 23 June 2015, Email from Agnese Medne to the Norwegian Ministry of Foreign Affairs;
- **A-0213**, 23 June 2025, Email from Oddbjørn Vegsund (KPMG AS) to the Norwegian Ministry of Foreign Affairs;
- **A-0214**, 25 June 2025, Email from Geir Sviggum (Wikborg Rein Advokatfirma AS) to the Norwegian Ministry of Foreign Affairs;
- **A-0215**, 2 June 2021, Email from Serena Hesmondhalgh to Ulrikke Størseth, 13:33 and email from Størseth to Hesmondhalgh, 10:45;
- **A-0216**, 4 June 2021, Email from Ulrikke Størseth to Serena Hesmondhalgh, 13:32 and email from Hesmondhalgh to Størseth, 13:08;
- **A-0217**, 12 October 2022, Emails between Vaughan Lowe and Andrew Flower (redacted) between September 2020 to October 2022;
- **A-0218**, 22 March 2023, Emails between Vaughan Lowe and Andrew Flower between 20 March 2023 to 22 March 2023;
- **A-0219**, 21 June 2023, Email from Andrew Flower to Vaughan Lowe;
- **A-0220**, 3 January 2024, Email from Vaughan Lowe to Andrew Flower;
- **A-0221**, 21 April 2017, Letter from the Norwegian Ministry of Trade, Industry and Fisheries to Glimstedt Bernotas and partners;
- **A-0222**, 18 March 2025, List of documents submitted by Norway in accordance with Procedural Order No. 3 (Applicants' requests for documents);

- **A-0223**, 25 June 2025, List of documents submitted by Norway in accordance with Procedural Order No. 3 (Applicants' requests for documents);
- **A-0224**, 7 July 2025, Screenshot of Kristian Jervell's LinkedIn profile.

D) Rationale for inclusion of exhibits A-0206 to A-0224 into the record

Concerning the admission of exhibits **A-0206** to **A-0221** into the record, Applicants refer to the Committee's decisions of 11 June 2025 as contained in PO4 and the Redfern Schedule to admit various documents requested by Applicants in its Second Document Production Request. Respondent identified 16 documents to be produced and sent those documents to Applicants and the Committee on 25 June 2025. These are all documents as produced by Respondent in response to requests #4, 5, 6, 7, 8, 14, 15 and 16 of the Redfern Schedule.

Applicants further seek admission into the record of exhibits **A-0222** and **A-0223**, which are the lists of documents sent by Respondent in the First and Second Document Production in accordance with PO3 and PO4. For convenience, Applicants believe it is useful to produce such lists which simply show in a concise form the documents as produced by Respondent.

Finally, Applicants seek permission to admit into the record exhibit **A-0224**, which is a screenshot of the LinkedIn profile of Mr. Kristian Jervell of 7 July 2025. The exhibit shows that from August 2012 to August 2017, Mr. Jervell was Director and Head of the Section for the Law of the Sea, Environment and Treaty Law of Norway's Ministry of Foreign Affairs. As Applicants detailed in their letter of 1 July 2025 to the Committee on in-person hearing, Norway's lead counsel, Mr. Jervell, appears to have played a significant role in the elaboration of measures that deprived Applicants of their investment in Norway. His role at the time raises certain issues regarding Mr. Jervell's independence and the equality of the parties in the present proceedings. Applicants believe that its concerns are founded and further illustrated by the fact that Mr. Jervell held Director's functions at the time such measures were planned and adopted, in a department of Norway's Ministry of Foreign Affairs which would have been responsible of elaborating such measures related to fisheries and the law of the sea. In Applicants' view, this exhibit supports their argument that Mr. Jervell was directly involved in the elaboration of the relevant measures.

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]

Mr. Pierre-Olivier Savoie
Ms. Jessica Joly Hébert



SAVOIE ARBITRATION s.e.l.a.s.u.
26 rue Vignon
75009 Paris
France
T : +33 1 86 64 17 48
M : +33 6 14 37 23 19
F : +33 1 76 54 32 57

Copy (by email):

Mr Kristian Jervell, Director General
Mr Martin Sorby, Deputy Director General
Ms Kristina Nygård, International Law Adviser
Mr Fredrik Bergsjø, Adviser
Legal Affairs Department, Norwegian Ministry of Foreign Affairs
PO Box 8114 Dep
NO-0030 Oslo
Norway
e-mail: kristian.jervell@mfa.no
e-mail: martin.sorby@mfa.no
e-mail: kristina.kvamme.nygard@mfa.no
e-mail: fredrik.bergsjo@mfa.no

Prof. Vaughan Lowe KC

e-mail: vlowe@essexcourt.net

Mr Mubarak Wassem

e-mail: MWAsseem@essexcourt.net

Prof. Alain Pellet

e-mail: courriel@alainpellet.eu

Mr Ysam Soualhi

e-mail: soulahiysam@hotmail.fr

Ms Leah Waitirah Njoroge

ICSID

1818 H Street NW

Washington, DC 20433

United States of America

e-mail: lnjoroge@worldbank.org

