

### Ms Lucinda A. Low

Steptoe LLP 1330 Connecticut Avenue, N.W. Washington, D.C. 20036 United States of America

### Prof Andrea Bjorklund

McGill University, Faculty of Law Chancellor Day Hall 3644 rue Peel Montreal, QC H3A 1W9 Canada

### **Prof Dr Maxi Scherer**

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

BY E-MAIL TO: lnjoroge@worldbank.org

| Your ref.: | Our ref.: | Date:        |
|------------|-----------|--------------|
|            |           | 14 July 2025 |

Subject: Peteris Pildegovics and SIA North Star v. Norway – ICSID Case No. ARB/20/11 – Admission of new Factual Exhibits

Dear Members of the Committee,

Reference is made to the Applicant's letter of 7 July 2025 requesting the admission of factual exhibits A-0206 to A-0224 to the record of these proceedings, and to the email of 11 July from the ICSID Secretariat inviting Norway to submit its observations on the Applicants' request by 14 July 2025.

Postal address: Postboks 8114 Dep 0032 Oslo Office address: 7. juni plassen 1 0251 Oslo Telephone: 23 95 00 00 Org. no.: 972417920

Legal Affairs Department

Norway has the following observations on the admission of new factual exhibits:

According to the letter of 7 July, exhibits A-0206 to A-0221 are documents produced by Norway in accordance with Procedural Order No. 4. In respect to those documents, reference is made to Norway's letter of 27 May 2025 in which the following is stated:

Neither the attached response on the second document production nor Norway's response to the first document production phase and the following production of documents according to Procedural Order No. 3 should be considered as an agreement to the Applicants' claim that "special circumstances" exist in relation to section 15.5 of the Procedural Order No. 1.

Reference is also made to paragraph 20 in Norway's Response to the Applicants' Second Document Production Application where Norway's position on inclusion of further documents into the record is set out.

In line with the position taken previously Norway will not object to the documents being admitted to the record if the *ad hoc* Committee finds that «special circumstances» do exist. Norway maintains its position that lack of objection should not be considered an agreement on its part that such circumstances exist, nor that the documents in question are in fact of any relevance to the questions before the *ad hoc* committee.

Exhibits A-0222 and A-0223 are described as *«the lists of documents submitted by Respondent in accordance with Procedural Order No. 3 (PO3) and PO4.*»

If the *ad hoc* Committee decides to admit exhibits A-0206-A-0221 into the record, Norway has no objection to the lists of these documents being admitted as well.

Exhibit A-0224 is copy of a LinkedIn Profile. The Applicants write that the exhibit «aims to illustrate the functions exercised by Mr. Jervell, lead counsel of Norway, at the time where policy measures affecting Applicants were adopted».

Norway strongly disagrees with the rationale provided by the Applicants for the inclusion of the LinkedIn profile and the idea of cross-examining an agent of a State about his or her independence. However, Norway has opted not to object to the inclusion of A-0224 into the record but considers that the issues raised by its inclusion and the Applicants' request for cross-examination is best dealt with in the Rejoinder on Annulment, together with the rest of the Applicants' submissions.

Yours sincerely

[signed]

Kristian Jervell Director General

# Copy by email:

## Applicants on Annulment:

Mr Pierre-Olivier Savoie (pierre-olivier.savoie@savoiearbitration.com)

Ms Beate Strautkalne (beate.strautkalne@savoiearbitration.com)

Ms Jessica Joly-Hébert (jessica.joly.hebert@savoiearbitration.com)

Professor Mads Andenæs (mads.andenas@protonmail.com)

Ms Maëlys Le Gal (maelys.legal@savoiearbitration.com)

Mr Ludwig Boucher (ludwig.boucher@savoiearbitration.com)

Ms Laeticia Malbos (laeticia.malbos@savoiearbitration.com)

## Respondent on Annulment:

Mr Martin Sørby (martin.sorby@mfa.no)

Mr Fredrik Bergsjø (fredrik.bergsjo@mfa.no)

Ms Kristina Nygård (kristina.kvamme.nygard@mfa.no)

Professor Vaughan Lowe KC (vlowe@essexcourt.net)

Professor Alain Pellet (courriel@alainpellet.eu)

Mr Mubarak Waseem (mwaseem@essexcourt.net)

Mr Ysam Soualhi (soualhiysam@hotmail.fr)