

Individual Statement by Dr. Santiago Torres Bernárdez

I have signed the present Order because the termination of the proceedings in the case was long overdue in accordance with both ICSID Administrative and Financial Regulation 14(3)(d) and ICSID Arbitration Rule 45 (Discontinuance for Failure of Parties to Act). The Order has also failed to allocate costs as between the Parties because the opposition of my co-arbitrators, leaving in a limbo pending financial matters in contradiction with the decision adopted by the Majority in its Decision on Jurisdiction and Admissibility of 8 February 2013 to the effect that the Tribunal: “Reserves the decision on the costs not decided upon in the present Decision and in the separate Procedural Order to the merits phase of the proceedings”.

[signed]

Dr. Santiago Torres Bernárdez

Date: 05/04/2015