

PCA CASE N° 2016-39/AA641

**ARBITRATION UNDER THE RULES OF ARBITRATION OF THE
UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE
LAW**

GLENCORE FINANCE (BERMUDA) LTD

Claimant

-v-

PLURINATIONAL STATE OF BOLIVIA

Respondent

CLAIMANT'S STATEMENT OF COSTS



Freshfields Bruckhaus Deringer US LLP

601 Lexington Avenue
31st Floor
New York
New York 10022
United States of America

FERRERE

Avenida San Martín, No 1800
Edificio Tacuaral, Of 403, Equipetrol
Santa Cruz de la Sierra
Bolivia

1. Glencore Finance (Bermuda) Ltd (*Glencore Bermuda*) submits this statement of costs pursuant to the Tribunal's letters of 22 September 2021 and 24 November 2021.
2. Claimant respectfully requests that the Tribunal order Bolivia to bear the Claimant's costs in their entirety. Glencore Bermuda seeks reimbursement of the following costs:
 - (a) the advances paid for the fees and expenses of the members of the Tribunal and the administrative fees of the Permanent Court of Arbitration;
 - (b) the fees and costs of legal representation, independent experts, [REDACTED] and service providers; and
 - (c) the travel costs and expenses of party representatives.
3. Glencore Bermuda's request for reimbursement covers the costs it incurred in relation to (i) its Statement of Claim, Reply on the Merits, Rejoinder on Jurisdiction, Reply on Quantum, Post-Hearing Brief and Post-Hearing Reply; (ii) the Merits Hearing held in Paris, France on 20-23 May 2019, and the Quantum Hearing held virtually on 28 March-1 April 2021; (iii) the document production in the merits and quantum phases of the arbitration; (iv) the Tribunal's request for the production of documents following the Merits Hearing; (v) Respondent's application for discovery pursuant to Section 1782 of the United States Code, Title 28 in the United States District Court for the Eastern District of Virginia (the *Section 1782 Application*); and (vi) the request for information submitted pursuant to the United Kingdom's Freedom of Information Act in relation to Glencore Bermuda's purchase of the Assets.¹

¹ Although the author of this request is unknown, it is reasonably likely that Respondent made the request because the request targeted information relating to the Assets subject to this proceeding, it was presented contemporaneously with the Section 1782 Application, and it overlapped with the scope of both the Section 1782 Application and Respondent's document requests in this proceeding.

4. A summary of the costs that Glencore Bermuda incurred is presented below. Additionally, Claimant submits the signed affidavit of Ms Noiana Marigo that certifies the amount of fees and disbursements incurred by Glencore Bermuda as **Appendix 1**.
5. Glencore Bermuda reserves the right to update the amount of fees and disbursements described in this submission based on additional costs incurred from the submission of this statement of costs to the date of the Tribunal's award.

* * *

| GLENCORE BERMUDA'S SUMMARY OF COSTS AND EXPENSES | |
|--|---------------------|
| LEGAL REPRESENTATION AND EXPERTS (FEES AND COSTS)² | |
| DESCRIPTION | AMOUNT (USD) |
| LEGAL REPRESENTATION | |
| Billed & paid | |
| Freshfields | ██████████ |
| ██████████ | ██████████ |
| Ferrere Abogados | ██████████ |
| <u>Total billed & paid legal representation</u> | ██████████ |
| Billed & unpaid | |
| Freshfields | ██████████ |
| Ferrere Abogados | ██████████ |
| <u>Total billed & unpaid legal representation</u> | ██████████ |
| <u>Total legal representation</u> | ██████████ |
| EXPERTS | |
| Billed & paid | |
| Compass Lexecon | ██████████ |
| Roscoe Postle Associates Inc (now SRL Consulting Ltd) | ██████████ |
| Gina Russo | ██████████ |
| <u>Total billed & paid experts</u> | ██████████ |

² Glencore Bermuda's counsel, experts ██████████ have invoiced their services in accordance with their own accounting procedures. To ensure a uniform presentation of fees and costs in this statement, Glencore Bermuda is reporting the total fees and costs it has paid or that have been invoiced and it has agreed to pay.

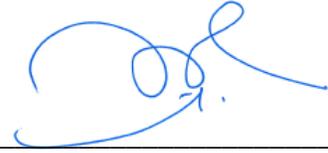
| | | |
|---|--|------------|
| Billed & unpaid | | |
| Compass Lexecon | | ██████████ |
| Roscoe Postle Associates Inc (now SRL Consulting Ltd) | | ██████████ |
| | <u>Total billed & unpaid experts</u> | ██████████ |
| | <u>Total experts</u> | ██████████ |
| ██████████ | | |
| ██████████ | | |
| ██████████ | | ██████████ |
| ██████████ | | ██████████ |
| | ██████████ | ██████████ |
| TOTAL LEGAL REPRESENTATION AND EXPERTS | | ██████████ |

| TRIBUNAL AND PCA COSTS | |
|---------------------------------------|---------------------|
| DESCRIPTION | AMOUNT (USD) |
| PAYMENTS MADE TO THE PCA | |
| Administrative filing fee | 2,139.00 |
| Advance on costs of 29 March 2017 | 200,000.00 |
| Advance on costs of 20 September 2019 | 200,000.00 |
| Advance on costs of 3 May 2021 | 200,000.00 |
| TOTAL TRIBUNAL AND PCA COSTS | \$602,139.00 |

| OTHER COSTS AND EXPENSES | |
|--|---------------------|
| DESCRIPTION | AMOUNT (USD) |
| ADMINISTRATIVE SUPPORT COSTS, TRAVEL, ACCOMMODATION, ETC. | |
| Client representatives | ██████████ |
| CS Disco Inc | ██████████ |
| Immersion Legal Graphics LLC | ██████████ |
| FTI Consulting, Inc | ██████████ |
| TOTAL OTHER COSTS | ██████████ |

| | |
|-----------------------------|------------|
| TOTAL FEES AND COSTS | ██████████ |
|-----------------------------|------------|

Respectfully submitted on behalf of the Claimant on 30 December 2021



Freshfields Bruckhaus Deringer US LLP

Noiana Marigo
Nigel Blackaby
Thomas Walsh
Diego Rueda