IN THE MATTER OF AN ARBITRATION BEFORE A TRIBUNAL CONSTITUTED IN ACCORDANCE WITH


- and -

THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW, 1976

PCA CASE NO. 2015-21

- between -

(1) JSC CB PRIVATBANK
(2) FINANCE COMPANY FINILON

The Claimants

- and -

THE RUSSIAN FEDERATION

The Respondent

PROCEDURAL ORDER NO. 4

The Arbitral Tribunal
Professor Pierre-Marie Dupuy (Presiding Arbitrator)
Sir Daniel Bethlehem QC
Dr. Václav Mikulka

Registry
Permanent Court of Arbitration

22 March 2019
1. **Procedural Background**

1.1 On 4 February 2019, the Tribunal issued a Partial Award finding that: (i) the Tribunal has jurisdiction over the claims of JSC CB PrivatBank ("PrivatBank") under the Agreement Between the Government of the Russian Federation and the Cabinet of Ministers of Ukraine on the Encouragement and Mutual Protection of Investments dated 27 November 1998 (the "Treaty"); (ii) PrivatBank’s claims are admissible; and (iii) the Russian Federation has breached Article 5 of the Treaty in respect of PrivatBank’s investments. The issue of compensation due in the light of this finding of liability was deferred to the next phase of the proceedings.

1.2 By letter from the PCA dated 4 March 2019, in order to verify that there is no conflict of interest, the Tribunal invited Mr. Townsend to provide a full list of the proposed new counsel for PrivatBank. The Tribunal also drew the attention of both Parties to their duty under paragraph 3.8 of Procedural Order No. 1 to promptly inform the Tribunal of any circumstances known to that Party that may give rise to doubts as to the impartiality or independence of a member of the Tribunal as soon as such circumstances become known to that Party.

1.4 By letters from the PCA dated 8 and 12 March 2019, the Tribunal invited the Respondent to comment on the proposed change of counsel by 18 March 2019.

1.5 The Respondent did not provide any comments on the proposed change of counsel.

2. **The Tribunal’s Directions**

2.1 Paragraph 3.9 of Procedural Order No. 1 provides:

3.9 To avoid future conflicts of interest after the appointment of members of the Tribunal, any proposed additions to or changes in the representatives of the Parties shall be communicated to the Tribunal and shall only take effect if the Tribunal does not object for reasons of conflict of interest.

2.2 In accordance with Paragraph 3.9 of Procedural Order No. 1, the Tribunal hereby confirms that it does not object to PrivatBank’s proposed change of counsel. Each member of the Tribunal confirms that he remains impartial and independent of the Parties, and that he has disclosed, to the best of his knowledge, all circumstances likely to give rise to justifiable doubts as to his impartiality or independence and that he will promptly disclose any such circumstances that may arise in the future.

2.3 Accordingly, as of today Hughes Hubbard & Reed LLC no longer represent PrivatBank in these proceedings. PrivatBank is now represented in these proceedings by:

Mr. Alex Gerbi
Mr. Epaminontas Triantafilou
Ms. Hafsa Zayyan
Ms. Anna Tkachova  
Ms. Neza Hren  
Ms. Sonal Pandya  
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2.4 Paragraph 1 of Procedural Order No. 1 is amended accordingly.

Date: 22 March 2019

Place of Arbitration: The Hague, the Netherlands

[Signature]

On behalf of the Tribunal  
Professor Pierre-Marie Dupuy  
(Presiding Arbitrator)