



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

**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**

- and -

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

PCA CASE NO. 2015-21

- between -

JSC CB PRIVATBANK

The Claimant

- and -

THE RUSSIAN FEDERATION

The Respondent

**PROCEDURAL ORDER NO. 11
(DOCUMENT PRODUCTION)**

The Arbitral Tribunal

Professor Pierre-Marie Dupuy (Presiding Arbitrator)

Sir Daniel Bethlehem QC

Dr. Václav Mikulka

Registry

Permanent Court of Arbitration

7 September 2020

1. Procedural Background

1.1 On 27 March 2020, further to a request from the Respondent, the Tribunal informed the Parties that it would be willing to consider requests for production of a limited number of *specific* documents (*i.e.*, not categories of documents) outside of the formal document production phase. The Tribunal invited the Respondent to submit any such requests to the Claimant promptly in the form of a Redfern Schedule. The Tribunal noted that to the extent that agreement on such requests could not be reached between the Parties within a reasonable time, the Respondent would be able to submit such requests to the Tribunal for decision.

1.2 [REDACTED]

1.3 [REDACTED]

1.4 [REDACTED]

1.5 On 18 May 2020, the Tribunal fixed the timetable for the production of specific documents.

1.6 [REDACTED]

1.7 [REDACTED]

1.8 [REDACTED]

2. The Tribunal's Decision

2.1 Paragraph 4.1. of the Rules of Procedure dated 18 August 2015 provides:

4.1. When considering matters of evidence, the Tribunal may use, but shall not be bound by, the Rules on the Taking of Evidence in International Arbitration issued by the International Bar Association in 2010 ("**IBA Rules**").

2.2 The Tribunal, having carefully considered the Parties' arguments and objections in relation to the Document Requests, rules on the Respondent's Document Requests as set forth in the Annex to this Procedural Order.

2.3 With respect to the Respondent's Request No. 1, the Tribunal notes that [REDACTED] Therefore, the Tribunal denies this request. However, the Tribunal notes that the Claimant shall remain under a continuing obligation to produce the document promptly, if at any point in the future it comes into the Claimant's possession, custody or control.

2.4 With respect to certain of the Respondent's Document Requests, the Tribunal grants the request for the documents themselves together with their annexes, schedules or appendices, but excluding any exhibits, attachments or other accompanying or underlying documents. The Respondent

remains at liberty to request the production of such accompanying or underlying documents as may be shown to be relevant and material during a regular document production phase.

- 2.5 The Claimant is ordered to produce to the Respondent the documents indicated in the Annex to this Procedural Order by **Monday, 21 September 2020**.

Date: 7 September 2020

Place of Arbitration: The Hague, the Netherlands



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