



**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**

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**PROCEDURAL ORDER NO. 13  
(CONFIDENTIALITY DESIGNATIONS)**

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**The Arbitral Tribunal**

Professor Pierre-Marie Dupuy (Presiding Arbitrator)

Sir Daniel Bethlehem QC

Dr. Václav Mikulka

**Registry**

Permanent Court of Arbitration

23 October 2020

**1. Procedural Background**

1.1 On 23 June 2020, the Tribunal issued Procedural Order No. 9 (“**PO9**”), a Confidentiality Order with respect to documents to be filed by the Parties in these proceedings.

1.2 Paragraph 2.2 of PO9 states that “[a]ll documents prepared and filed by the Parties specifically in relation to these proceedings (including pleadings, witness statements, expert reports and correspondence with the Tribunal) (collectively, the ‘**Arbitration Documents**’) shall be kept confidential.”

1.3 Paragraph 2.3 of PO9 provides that “[e]ither Party may apply to the Tribunal to designate any other materials as strictly confidential that the designating Party identifies as containing information that is highly sensitive and strictly regulated by applicable law (collectively, ‘**Confidential Materials**’).”

1.4 On 7 September 2020, the Tribunal issued Procedural Order No. 11 (“**PO11**”), ordering the Claimant to produce certain documents requested by the Respondent.

1.5 [REDACTED]

1.6 [REDACTED]

1.7 [REDACTED]

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[REDACTED]



**2. The Tribunal's Decision**

- 2.1 Having carefully considered the Parties' respective arguments, the Tribunal orders as follows.
- 2.2 To the extent that any documents for which a designation of strict confidentiality is requested do not qualify as Arbitration Documents under Paragraph 2.2 of PO9, such documents are provisionally designated as Confidential Materials pursuant to Paragraph 2.3 of PO9.
- 2.3 Should the Respondent intend to use Arbitration Documents or Confidential Materials as provided in Paragraph 2.4 (c) or (d) of PO9, it shall notify the Tribunal in accordance with Paragraph 2.5 of PO9.
- 2.4 Either Party shall remain at liberty to apply for a modification of this order in respect of specific documents that have been herein provisionally designated as Confidential Materials.

**Date:** 23 October 2020

**Place of Arbitration:** The Hague, the Netherlands

A handwritten signature in blue ink, consisting of a large, stylized 'P' followed by a horizontal line and a flourish.

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