



**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 NOVEMBER 27, 1998**

**- and -**

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

**PCA CASE NO. 2015-07**

**- between -**

**(1) AEROPORT BELBEK LLC  
(2) MR. IGOR VALERIEVICH KOLOMOISKY**

**The Claimants**

**- and -**

**THE RUSSIAN FEDERATION**

**The Respondent**

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**PROCEDURAL ORDER NO. 12  
(HEARING PROTOCOL)**

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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

21 April 2021

## **1. Introduction**

- 1.1 By letter dated 23 October 2020, having consulted the Parties, the Tribunal decided that a further hearing in this matter would be of assistance (the “**Hearing**”). Having noted that the Respondent had requested an in-person hearing, whereas the Claimants considered that the hearing should be held by video-conference, the Tribunal indicated that it would monitor the global health situation and would decide whether the Hearing would take place in person or by video-conference in light of prevailing circumstances closer to the hearing dates.
- 1.2 In correspondence dated 5 November 2020 and 27 January 2021, the Tribunal asked the Parties to reserve the period from 31 May to 4 June 2021 for the Hearing and confirmed that it would determine the format of the Hearing at a later date.
- 1.3 A draft of this Procedural Order was circulated to the Parties on 26 March 2021. The Parties were invited to comment on Sections 3 and following. The Parties submitted their written comments on 9 April 2021.
- 1.4 Taking into account the Parties’ comments, the Tribunal makes the following directions for the procedure of the Hearing.

## **2. Format of the Hearing**

- 2.1 The Tribunal has considered the Parties’ submissions regarding the format of the Hearing, as set out in the Claimants’ letter dated 17 September 2020 and the Respondent’s letter dated 21 September 2020. The Claimants requested that the Hearing be held by video-conference given the uncertainties and travel difficulties created by the COVID-19 pandemic, as well as for reasons of economy. The Respondent requested that the Hearing be held in person. It submitted that online hearings are not appropriate for all cases, are “less effective than physical hearings” and “are extremely difficult to manage”, citing security concerns and logistical difficulties related to interpretation and time differences between hearing participants. The Respondent argued further that an online hearing would unfairly benefit the Claimants, given that, unlike the Respondent, they are represented by a single law firm, which would not face problems coordinating among team members during the Hearing.
- 2.2 The Tribunal has weighed these considerations carefully. Ordinarily, the Tribunal’s preference would have been to hold an in-person hearing. The prevailing global health situation, however, and its resulting travel and related restrictions, makes this precarious, if not impossible. Having regard to the importance of proceeding to address the outstanding issues in this arbitration efficiently and expeditiously, the Tribunal accordingly considers that it is necessary to hold the Hearing by video-conference. At this time, restrictions continue to apply which would affect travel between any given hearing venue and the countries of residence of the Tribunal members, counsel, party representatives and expert witnesses. There also remains considerable uncertainty as to the evolution of the pandemic in the coming months and any associated changes in governmental advice and regulations, such that plans for an in-person hearing on the reserved dates would be subject to potentially significant last-minute disruptions. At the same time, in the Tribunal’s view it would be undesirable to postpone the Hearing to a later date, bearing in mind the Tribunal’s duty to guard against unreasonable delay of the proceedings and the fact, noted in the Tribunal’s letter to the Parties dated 23 October 2020, that these proceedings have already been prolonged by the Respondent’s decision to start participating only at a late stage.
- 2.3 Moreover, the Tribunal considers that the Respondent’s concerns in respect of online hearings can be appropriately addressed through careful planning and preparation, including through

the present Order. For example, the Tribunal proposes to facilitate internal communications within counsel teams by using the “breakout room” function of the video-conferencing platform (see Section 3.2 below). The Tribunal notes that, in the direct experience of its members, as well as of the PCA, the practical arrangements addressed below have worked well in the case of other proceedings, including in cases which are closely comparable to the present case. It is in any event the responsibility of each Party’s counsel team to adequately prepare for the video-conference, including by ensuring that each Hearing participant has access to appropriate equipment, by participating in tests and by establishing additional internal channels of communication as needed (see Sections 13, 15 and 16.5 below).

- 2.4 For the above reasons, and pursuant to its powers under Article 15(1) of the UNCITRAL Arbitration Rules 1976, the Tribunal has decided that the Hearing shall be conducted by video-conference.

### 3. Date, Time and Video-Conferencing Platform

- 3.1 The Hearing shall take place from Monday, 31 May 2021 to Friday, 4 June 2021. It shall commence each day at the following time:

	<b>New York/ Washington D.C. (GMT -4)</b>	<b>London (GMT +1)</b>	<b>The Hague/ Geneva/Paris/ /Rotterdam (GMT +2)</b>	<b>Kyiv/Moscow (GMT +3)</b>
<b>Start</b>	8:30	13:30	14:30	15:30

- 3.2 The duration of the Hearing shall be a maximum of 6½ hours on the first day and 6 hours on each successive day thereafter (including breaks). Without prejudice to this, the Parties are requested to ensure that they, including all relevant representatives, counsel and witnesses, are available for at least the hour following the scheduled conclusion of the Hearing on each day in case it is necessary to use this time to ensure the efficient management of the Hearing or to accommodate time taken up with technical difficulties or other practicalities.
- 3.3 The Hearing shall be held by video-conference using the Zoom video-conference platform, and shall be administered by the PCA. There shall be one electronic hearing room, and three electronic breakout rooms (one for each side and one for the Tribunal).
- 3.4 Unique log-in details for each day of the video-conference shall be circulated by the PCA on the eve of each Hearing day.

### 4. Participants

- 4.1 Access to the video-conference shall be restricted to the Members of the Tribunal, the Parties’ representatives and counsel, the expert witnesses, PCA staff, court reporters, interpreters and any further technical support personnel retained by the PCA or the Parties in connection with the Hearing (“**Participants**”). The log-in details for the video-conference shall not be shared with any non-Participants. All Participants bear an ongoing duty to warn the PCA of the presence of any other unauthorized person on the video-conference.

4.2 An indicative list of the persons who will be attending the Hearing on behalf of the Claimants and their locations and mobile phone numbers is as follows:

- i) From Hughes Hubbard & Reed LLP, counsel for the Claimants, in Washington, D.C., U.S.A.:
  - (a) John M. Townsend (+1-917-940-8584);
  - (b) James H. Boykin (+1-757-617-1527);
  - (c) Vitaly Morozov (+1-202-674-3374);
  - (d) Eleanor Erney (+1-202-340-8127);
  - (e) Alexander Bedrosyan (+1-202-297-6256);
  - (f) Svitlana Stegny (paralegal) (+1-202-631-9630);
- ii) Mr. Glib Bondar (expert witness), Avellum, Kiev, Ukraine (+380 (50) 383 4777) and his colleague Mr. Oleksii Maslov;
- iii) Mr. Brent Kaczmarek (expert witness), CFA, Arlington, Virginia, U.S.A. (+1-703-627-5806); and
- iv) others to be added by 17 May 2021 pursuant to paragraph 4.5 of this Order.

4.3 An indicative list of the persons who will be attending the Hearing on behalf of the Respondent, their locations, e-mail addresses and phone numbers is as follows:

- i) From the Respondent's Ministry of Justice, Moscow, Russia:
  - (a) Polina Lomakina (legalprotection@minjust.gov.ru; +7 (495) 955-59-99);
  - (b) Maria Strekalova (legalprotection@minjust.gov.ru; +7 (495) 955-59-99);
- ii) From Ivanyan & Partners Law Firm, counsel for the Respondent, Moscow, Russia and London, England:
  - (a) Baiju Vasani (baiju\_vasani@iplf.net; +44 7481 994015);
  - (b) James Dingley (james\_dingley@iplf.net; +44 7971 997660);
  - (c) Andrey Gorlenko (andrey\_gorlenko@iplf.net; +7 985 280 17 63);
  - (d) Valeria Grebenkova (valeria\_grebenkova@iplf.net; +7 985 202 97 90);
  - (e) Anna Avdulova (anna\_avdulova@iplf.net; +7 929 953 55 43);
  - (f) Aonkan Ghosh (aonkan\_ghosh@iplf.net; +65 9350 1059);
- ii) From Houthoff, counsel for the Respondent, Rotterdam, the Netherlands:
  - (a) Dirk Knottenbelt (d.knottenbelt@houthoff.com; +31 651 55 9271);

- (b) Glenn Hoek (g.hoek@houthoff.com; +31 610 90 9795);
  - (c) Alexander Rogers (a.rogers@houthoff.com; +31 682 59 4012);
  - (d) Daniel Agranovich (d.agranovich@houthoff.com; +31 683 16 5152);
  - (e) Caroline Deves (c.deves@houthoff.com; +31 682 96 7823);
- iii) From Accuracy, expert for the Respondent, Paris, France, Amsterdam, the Netherlands and London, England:
- (a) Mr. Erik van Duijvenvoorde (expert witness),  
erik.van.duijvenvoorde@accuracy.com; +33 6 85 19 57 90);
  - (b) Mr. Joris Timmers (joris.timmers@accuracy.com; +31 6 427 526 10);
  - (c) Ms. Alice Blanchard (alice.blanchard@accuracy.com; +44 7 823 340 152) ;
  - (d) Mr. Antoine Massot (antoine.massot@accuracy.com; +44 7388 949 721);
- iv) Mr. Mikhail Andriyanov (expert witness), Andriyanov & Partner Mathematiker und Betriebswirte PartG, Lechbruck, Germany (ma@andriyanov.com; +49 176 57812480);
- v) Mr. Nikolai Nikolayevich Pichuev (expert witness), AKG Group, Sevastopol (akgggroup@mail.ru; +7 978 750 80 67); and
- vi) others to be added by 17 May 2021 pursuant to paragraph 4.5 of this Order.
- 4.4 An indicative list of the persons who will be attending the Hearing on behalf of the Tribunal and the PCA and their locations is as follows:
- i) Professor Pierre-Marie Dupuy (Presiding Arbitrator) – location to be determined;
  - ii) Sir Daniel Bethlehem – London, United Kingdom;
  - iii) Dr. Václav Mikulka – New York, United States of America;
  - iv) Mr. Martin Doe (PCA) – The Hague, the Netherlands;
  - v) Ms. Evgeniya Goriatcheva (PCA) – The Hague, the Netherlands;
  - vi) Mr. Mikhail Batsura (PCA) – The Hague, the Netherlands;
  - vii) Mr. Jan Nato (PCA) – The Hague, the Netherlands;
  - viii) Ms. Marielle Veldhuijzen van Zanten (PCA) – The Hague, the Netherlands.
- 4.5 The Parties are each requested to provide a final list of the representatives who will attend the Hearing on their behalf, including their locations and individual e-mail addresses, by no later than **17 May 2021**. Any person not included on the lists of representatives provided by the Parties will not be admitted to the video-conference, unless otherwise decided by the Tribunal upon request by any of the Parties.

- 4.6 On each day of the Hearing, Participants will join the video-conference through a “waiting room” to be managed by the PCA. Participants will be admitted one-by-one to the video-conference, and should have their video and audio turned on for identification purposes. Following identification, the PCA shall direct the Tribunal and each side to their respective breakout rooms.
- 4.7 Each Participant shall use the following format for their username on the video-conference platform: [C/R/T/PCA/Expert] [First name] [Surname]. The PCA may re-name Participants on the platform to conform to this format. Where multiple individuals are in the same location accessing the video-conference together as a group, the username should clearly indicate the group’s affiliation.

## **5. Hearing Schedule**

- 5.1 A detailed hearing schedule is attached hereto as “Annex A”. The hearing schedule is subject to any changes that the Tribunal may deem necessary or appropriate to make during the Hearing. In particular, the Tribunal may adjust the schedule of the Hearing if additional time is required for questions from the Tribunal or in the event of delays or other interruptions caused by technical problems in the functioning of the video-conference.
- 5.2 Each Party is responsible for ensuring that its expert witnesses shall hold themselves available to appear the day before, and to continue the day after, they are scheduled to testify.
- 5.3 Participants may join the video-conference up to one hour prior to the scheduled start time and in any event shall join at least 30 minutes prior to the scheduled start time. All Participants shall remain connected to the video-conference at all times for the duration of the Hearing, including during breaks. Expert witnesses may be, but do not have to be, connected at all times for the duration of the Hearing. The PCA shall direct the Tribunal and each side to their respective breakout rooms at the commencement of each break.

## **6. Allocation of Time**

- 6.1 In accordance with the hearing schedule set out in Annex A and the PCA’s letter of 27 January 2021, 2.5 hours shall be allocated to each Party for its opening statement and 6 hours shall be allocated to each Party for witness examination, to be distributed as each Party sees fit between direct examination, witness presentations in lieu of direct examination, cross-examination, and re-direct examination. The time allocations for each Party shall include time taken up by Tribunal questions and the answers to such questions, it being the responsibility of counsel for each Party to manage the time available to it effectively.
- 6.2 In addition, the Tribunal hereby allocates 1.5 hours to each Party for oral closing statements to be held on the last day of the hearing.
- 6.3 The Tribunal is not presently minded to require post-hearing submissions, but will keep this matter open, to be addressed in consultation with the Parties in the course of the Hearing.
- 6.4 Time will be kept by the PCA.

## **7. Scope of the Hearing**

- 7.1 The scope of oral arguments and witness examination at the Hearing shall be as determined in Procedural Order No. 11.

## **8. Examination of Expert Witnesses**

- 8.1 The following expert witnesses have been called by the Parties for examination at the Hearing (listed in the order in which they will be cross-examined):
- i) Mr. Glib Bondar, Claimants' expert on Ukrainian law;
  - ii) Mr. Nikolai Nikolayevich Pichuev, Respondent's expert on quantum;
  - iii) Mr. Mikhail Andriyanov, Respondent's expert on quantum;
  - iv) Mr. Brent C. Kaczmarek, Claimants' expert on quantum; and
  - v) Mr. Erik van Duijvenvoorde, Respondent's expert on quantum.
- 8.2 The examination of expert witnesses shall take place in accordance with Sections 5 and 6 of the Rules of Procedure, unless otherwise provided in this Order.
- 8.3 It shall not be permitted for party representatives and counsel to communicate with the experts during their examination by any means other than communication on the record.
- 8.4 Save in the case that the Parties reach prior agreement on some other arrangement, and the Tribunal consents thereto, the video-conferencing setup for each expert shall, to the extent possible, allow a reasonable part of the interior of the room in which the expert is located to be shown on screen, while retaining sufficient proximity to clearly depict the expert. The virtual background feature provided by the Zoom platform shall not be used, nor any other virtual feature that alters the setup of the area from which the expert is testifying or the appearance of the expert.
- 8.5 Each expert shall testify without conferring with anyone else during testimony or referring to any documents to which the other Participants do not have access. Each expert may testify through video-conference in the presence of an assistant and/or a technician, provided that the individual is identified by name and by title at least a day in advance of the start of the expert's testimony and is visible to all other Participants. Save in the case that the Parties reach prior agreement on some other arrangement, and the Tribunal consents thereto, an expert will not have present with him or her any Party or legal representative at the same physical location.
- 8.6 During the Hearing, the examination of each expert shall proceed as follows:
- i) The Presiding Arbitrator shall administer the oath to the expert;
  - ii) In accordance with the provisions of this Order, the Presiding Arbitrator shall instruct the expert about: (a) what to do in the event of a disconnection or other technical failure; and (b) the impermissibility of any recordings of the Hearing;
  - iii) The expert shall affirm that no unauthorized person is present in the room with the expert or can communicate with the expert;
  - iv) The Party presenting the expert may conduct a brief direct examination limited to new matters arising since that expert submitted his or her report. Alternatively, the expert may give a presentation in lieu of direct examination. Messrs. Bondar, Pichuev and Andriyanov may make presentations of up to 30 minutes in lieu of direct examination.

Messrs. Kaczmarek and Van Duijvenvoorde may make presentations of up to 45 minutes in lieu of direct examination;

- v) Following direct examination or the expert's presentation, the opposing side shall be entitled to cross-examine the expert;
  - vi) The Party presenting the expert shall then be entitled to redirect any questions to the expert solely in relation to matters raised in cross-examination or in questions from the Tribunal; and
  - vii) The Tribunal shall be entitled to examine the expert at any time before, during, or after examination by any of the Parties.
- 8.7 The Tribunal shall, at all times, have unfettered discretion over the conduct of expert examination.
- 8.8 Each Party shall ensure that its expert witnesses are provided with an exact copy of their own reports and the reports of any expert relied on by the other Party addressing the same subject, in hard copy, devoid of any annotations or markings, during their testimony.
- 8.9 Cross-examining counsel will display the relevant documents through the Zoom screen-sharing function. The Parties may also agree to prepare cross-examination bundles containing any documents beyond the reports referred to in the preceding paragraph. In such case, the cross-examining Party shall provide copies of its cross-examination bundles, devoid of any annotations or markings, to the expert witnesses, the Members of the Tribunal and the PCA, at the latest by **24 May 2021**.
- 8.10 The Tribunal shall have the authority at any time during the examination of an expert to request the expert to reorient their camera, whether to provide a better angle, lighting, or to verify the surroundings or any materials available to the expert.

## **9. Evidence and Demonstrative Exhibits**

- 9.1 The Parties shall present any evidence, authority, or demonstrative exhibit they wish to show at the Hearing through Zoom's screen-sharing function.
- 9.2 In accordance with paragraph 7.2 of the Rules of Procedure, no new evidence may be presented at the Hearing unless agreed by the Parties or authorized by the Tribunal. However, the Parties may make use of demonstrative exhibits (such as PowerPoint slides, charts, tabulations, etc.) in opening and closing arguments and in presentations by witnesses, provided that those materials reflect and reference (with exhibit numbers and page or paragraph citations (if applicable)) evidence on the record and do not introduce new evidence, directly or indirectly, without leave of the Tribunal.
- 9.3 The Parties shall provide electronic copies of any demonstrative exhibits to be displayed during the Hearing by e-mail or secure file-sharing platform to the other side, the Members of the Tribunal and the PCA at least 45 minutes prior to the start of the Hearing day on which they will be used. Upon receipt, the PCA shall distribute such documents to the interpreters and court reporters.

9.4 The Parties have designated the following persons on each side to be responsible for the presentation of documents through the screen-sharing function of the Zoom platform during the Hearing:

- i) For the Claimants: Ms. Eleanor Erney, Mr. Alexander Bedrosyan, Ms. Svitlana Stegny. Also, during his direct testimony, Mr. Brent Kaczmarek.
- ii) For the Respondent: possibly a third-party provider to be engaged by the Respondent.

9.5 The Parties shall provide, by no later than **26 April 2021**, a consolidated electronic bundle containing all procedural orders, submissions, exhibits and legal authorities on the record as at that date. The bundle shall be provided by USB flash drive and through the use of a secure file-sharing platform to each Member of the Tribunal and the PCA.

## **10. Transcription**

10.1 Further to paragraph 7.3 of the Rules of Procedure, a real-time transcript of the Hearing will be provided in English by Mr. David Kasdan, and shall be made available on a separate text-streaming platform during the Hearing. Electronic copies of the transcripts shall be provided to the Parties and the Tribunal on a daily basis. In advance of the Hearing, the PCA shall make available to Mr. Kasdan such documents from the record as are necessary for his preparation.

10.2 The PCA shall circulate the connection details for the transcript on the day prior to the start of the Hearing.

## **11. Recording**

11.1 Further to paragraph 7.3 of the Rules of Procedure, the PCA shall make audio and video recordings of the Hearing. The video recording will not be made available to the Parties unless the Tribunal so directs. The audio recording will be made available to the Parties after the Hearing.

11.2 No other Participants shall record (whether by video, audio or screenshot) any part of the Hearing, unless otherwise decided by the Tribunal.

## **12. Interpretation**

12.1 The PCA will make arrangements for the simultaneous interpretation of Mr. Pichuev's testimony from English into Russian and from Russian into English. The Russian channel will be audio-recorded, but no transcript in Russian shall be provided. Mr. Bondar and Mr. Kaczmarek, from the Claimants' side, as well as Mr. Andriyanov and Mr. van Duijvenvoorde, from the Respondent's side, will testify in English.

## **13. Internet Connection and Devices**

13.1 The Parties are responsible for ensuring that each of their representatives connects to the video-conference through a stable internet connection offering sufficient bandwidth, and that each representative uses a camera, microphone and speaker of adequate quality.

13.2 Each Party is responsible for ensuring the attendance of its expert witnesses if they are to appear for examination at the Hearing. The Parties are also responsible for ensuring that their expert witnesses are properly set-up for the hearing, such that they can meet the requirements of paragraph 8.4 above and have available at each location where they will be testifying access

to a stable internet connection offering sufficient bandwidth, as well as a camera, microphone and speaker of adequate quality.

- 13.3 Participants should consider using a wired Ethernet connection instead of WiFi, if possible. If using WiFi, only password-protected, secure wireless connections shall be used. Public WiFi networks should not be used. Hearing participants shall be prohibited from joining the Hearing from any public setting which may jeopardize the privacy and security of the Hearing.
- 13.4 Where multiple individuals are in the same location accessing the video-conference together as a group, the audio and microphone equipment in the venue should be set up in a suitable manner to ensure stable and clear communication between the group and other Participants attending the Hearing.
- 13.5 Each Participant is encouraged to have at least two devices or screens available for use during the Hearing, one to connect to the video-conference and another for viewing the transcript. Participants should also consider using a complete headset (headphones with integrated microphone) of good quality.

#### **14. Technical Problems**

- 14.1 A dial-in telephone audio option shall be offered as a backup option for Participants experiencing difficulties with computer audio. Essential Participants (those without whom the Hearing cannot proceed) and any other Participants who intend to connect through this means shall provide a telephone number to the PCA by **17 May 2021**, so that the PCA may identify them if they connect through this means.
- 14.2 The Parties designate the following representatives to act as “Emergency Contact Person” for the purposes of notifying the PCA and the Tribunal of any technical incidents that arise during the video-conference:
  - i) Ms. Eleanor Erney (cell phone +1-202-340-8127) will be the emergency contact person for the Claimants.
  - ii) Ms. Valeria Grebenkova (+7 985 202 97 90) will be the emergency contact person for the Respondent.
- 14.3 If an essential Participant from their side is disconnected or otherwise cannot participate such that the Tribunal is requested to suspend the Hearing, the Emergency Contact Person shall intervene directly in the Hearing and request such suspension. Otherwise, the Emergency Contact Person shall notify any technical issues to Ms. Marielle Veldhuijzen van Zanten of the PCA (tel.: +31 6 15 44 64 25; e-mail: mvvzanten@pca-cpa.org), without interrupting the Hearing.
- 14.4 If an essential Participant (including a testifying expert) is disconnected from the video-conference or experiences some other technical failure and connection cannot be re-established within a 5-minute interval:
  - i) the Tribunal may take steps to “pause” the Hearing;
  - ii) the disconnected essential Participant shall contact the Emergency Contact Person of its own Party, and then monitor e-mail and phone for any further instructions from the Tribunal;

- iii) the Emergency Contact Person will be intervening directly in the Hearing in order to report on the situation of the disconnected essential Participant and to seek instructions; in the event of a persisting technical failure, the Tribunal, after consulting the Parties, shall direct the steps to be taken to enable the essential Participant to be heard.

14.5 The Tribunal may temporarily or permanently suspend the Hearing if it deems the functioning of the video-conference system to be inadequate or likely to prejudice the due process rights of any of the Parties or the integrity of the proceeding or if the Tribunal has cybersecurity concerns, or for any other valid reason. The Parties are asked to bear in mind that full recordings and transcripts of the Hearing will be available, mitigating the prejudice arising from the failure of any given Participant to be able to follow the entire Hearing during the video-conference.

## **15. Test Calls**

15.1 The PCA will conduct test calls as appropriate with all Participants (including the Parties, the Members of the Tribunal, the expert witnesses, the interpreters and the court reporter) at least two weeks prior to the Hearing. The Parties are each requested to provide a list of participants, including their locations and individual e-mail addresses, no less than two days in advance of any test call.

15.2 Each Participant should strive to replicate the conditions under which they will participate in the Hearing; for example, by joining the test call using the same device(s) and internet connection from the same physical location that they intend to use during the Hearing.

15.3 All Participants may request further test calls with the PCA as desired.

## **16. Online Etiquette**

16.1 Following their identification as provided for in paragraph 4.6 above, all Participants without an active role at any given moment shall mute their audio and turn off their video.

16.2 Participants should join the Hearing from a location without background noise and with adequate lighting, and are invited to dress in business casual attire for the Hearing.

16.3 The Parties shall identify the individuals who will speak to each point on the day's agenda by e-mail to all other Participants at least one hour prior to the start of each day.

16.4 In order to facilitate the accurate interpretation and transcription of the Hearing, the Parties should, insofar as possible, circulate any speaking notes to the court reporters and interpreters (via the PCA) prior to the start of any relevant session. The Parties are also encouraged to speak slowly and with pauses between sentences.

16.5 The instant messaging (chat) functionality of Zoom shall be disabled save for communications between Participants and the PCA. Each Party is responsible for arranging its own procedures (in addition to the virtual breakout rooms) for internal communications during the course of the Hearing.

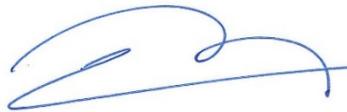
## **17. Post-Hearing Matters**

17.1 The need and schedule for corrections to the transcript will be discussed at the conclusion of the Hearing.

17.2 In consultation with the Parties, the Tribunal will also consider the need for any further submission from the Parties, including as to arbitration costs.

**Date:** 21 April 2021

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

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

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

**ANNEX A  
 HEARING SCHEDULE**

<b>Activity</b>	<b>Duration</b>	<b>New York/ Washington D.C. (GMT -4)</b>	<b>London (GMT +1)</b>	<b>The Hague/ Geneva/Paris/ /Rotterdam (GMT +2)</b>	<b>Kyiv/Moscow (GMT +3)</b>
<b>Day 1 – Monday, 31 May 2021</b>					
Housekeeping	30 minutes	8:30-9:00	13:30-14:00	14:30-15:00	15:30-16:00
Claimants’ opening statement	1 hour, 15 minutes	9:00-10:15	14:00-15:15	15:00-16:15	16:00-17:15
<i>Break</i>	<i>15 minutes</i>	10:15-10:30	15:15-15:30	16:15-16:30	17:15-17:30
Claimants’ opening statement	1 hour, 15 minutes	10:30-11:45	15:30-16:45	16:30-17:45	17:30-18:45
<i>Break</i>	<i>30 minutes</i>	11:45-12:15	16:45-17:15	17:45-18:15	18:45-19:15
Respondent’s opening statement	1 hour, 15 minutes	12:15-13:30	17:15-18:30	18:15-19:30	19:15-20:30
<i>Break</i>	<i>15 minutes</i>	13:30-13:45	18:30-18:45	19:30-19:45	20:30-20:45
Respondent’s opening statement	1 hour, 15 minutes	13:45-15:00	18:45-20:00	19:45-21:00	20:45-22:00
<b>Day 2 – Tuesday, 1 June 2021</b>					
Presentation by Mr. Bondar, Claimants’ expert on Ukrainian law	30 minutes	8:30-9:00	13:30-14:00	14:30-15:00	15:30-16:00
Cross-examination of Mr. Bondar	45 minutes	9:00-9:45	14:00-14:45	15:00-15:45	16:00-16:45
<i>Break</i>	<i>15 minutes</i>	9:45-10:00	14:45-15:00	15:45-16:00	16:45-17:00
Cross-examination of Mr. Bondar (continued)	15 minutes	10:00-10:15	15:00-15:15	16:00-16:15	17:00-17:15
Re-examination of Mr. Bondar	10 minutes	10:15-10:25	15:15-15:25	16:15-16:25	17:15-17:25

<b>Activity</b>	<b>Duration</b>	<b>New York/ Washington D.C. (GMT -4)</b>	<b>London (GMT +1)</b>	<b>The Hague/ Geneva/Paris/ /Rotterdam (GMT +2)</b>	<b>Kyiv/Moscow (GMT +3)</b>
Tribunal questions	as needed, 20 minutes	10:25-10:45	15:25-15:45	16:25-16:45	17:25-17:45
Presentation by Mr. Pichuev, Respondent's expert on quantum	10 minutes	10:45-10:55	15:45-15:55	16:45-16:55	17:45-17:55
Cross-examination of Mr. Pichuev	30 minutes	10:55-11:25	15:55-16:25	16:55-17:25	17:55-18:25
<i>Break</i>	<i>30 minutes</i>	11:25-11:55	16:25-16:55	17:25-17:55	18:25-18:55
Re-examination of Mr. Pichuev	10 minutes	11:55-12:05	16:55-17:05	17:55-18:05	18:55-19:05
Tribunal questions	as needed, 20 minutes	12:05-12:25	17:05-17:25	18:05-18:25	19:05-19:25
Presentation by Mr. Andriyanov, Respondent's expert on quantum	30 minutes	12:25-12:55	17:25-17:55	18:25-18:55	19:25-19:55
<i>Break</i>	<i>15 minutes</i>	12:55-13:10	17:55-18:10	18:55-19:10	19:55-20:10
Cross-examination of Mr. Andriyanov	80 minutes	13:10-14:30	18:10-19:30	19:10-20:30	20:10-21:30
<b>Day 3 – Wednesday, 2 June 2021</b>					
Cross-examination of Mr. Andriyanov (continued)	30 minutes	8:30-9:00	13:30-14:00	14:30-15:00	15:30-16:00
Re-examination of Mr. Andriyanov	10 minutes	9:00-9:10	14:00-14:10	15:00-15:10	16:00-16:10
Tribunal questions	as needed, 20 minutes	9:10-9:30	14:10-14:30	15:10-15:30	16:10-16:30
<i>Break</i>	<i>15 minutes</i>	9:30-9:45	14:30-14:45	15:30-15:45	16:30-16:45
Presentation by Mr. Kaczmarek, Claimants' expert on quantum	45 minutes	9:45-10:30	14:45-15:30	15:45-16:30	16:45-17:30

<b>Activity</b>	<b>Duration</b>	<b>New York/ Washington D.C. (GMT -4)</b>	<b>London (GMT +1)</b>	<b>The Hague/ Geneva/Paris/ /Rotterdam (GMT +2)</b>	<b>Kyiv/Moscow (GMT +3)</b>
Cross-examination of Mr. Kaczmarek	40 minutes	10:30-11:10	15:30-16:10	16:30-17:10	17:30-18:10
<i>Break</i>	<i>30 minutes</i>	11:10-11:40	16:10-16:40	17:10-17:40	18:10-18:40
Cross-examination of Mr. Kaczmarek (continued)	90 minutes	11:40-13:10	16:40-18:10	17:40-19:10	18:40-20:10
<i>Break</i>	<i>15 minutes</i>	13:10-13:25	18:10-18:25	19:10-19:25	20:10-20:25
Cross-examination of Mr. Kaczmarek (continued)	50 minutes	13:25-14:15	18:25-19:15	19:25-20:15	20:25-21:15
Re-examination of Mr. Kaczmarek	15 minutes	14:15-14:30	19:15-19:30	20:15-20:30	21:15-21:30
Tribunal questions	as needed	14:30-[TBC]	19:30-[TBC]	20:30-[TBC]	21:30- [TBC]
<b>Day 4 – Thursday, 3 June 2021</b>					
Presentation by Mr. van Duijvenvoorde, Respondent’s expert on quantum	45 minutes	8:30-9:15	13:30-14:15	14:30-15:15	15:30-16:15
Cross-examination of Mr. van Duijvenvoorde	20 minutes	9:15-9:35	14:15-14:35	15:15-15:35	16:15-16:35
<i>Break</i>	<i>15 minutes</i>	9:35-9:50	14:35-14:50	15:30-15:50	16:35-16:50
Cross-examination of Mr. van Duijvenvoorde (continued)	60 minutes	9:50-10:50	14:50-15:50	15:50-16:50	16:50-17:50
<i>Break</i>	<i>15 minutes</i>	10:50-11:05	15:50-16:05	16:50-17:05	17:50-18:05
Cross-examination of Mr. van	40 minutes	11:05-11:45	16:05-16:45	17:05-17:45	18:05-18:45

<b>Activity</b>	<b>Duration</b>	<b>New York/ Washington D.C. (GMT -4)</b>	<b>London (GMT +1)</b>	<b>The Hague/ Geneva/Paris/ /Rotterdam (GMT +2)</b>	<b>Kyiv/Moscow (GMT +3)</b>
Duijvenvoorde (continued)					
Re-examination of Mr. van Duijvenvoorde	15 minutes	11:45-12:00	16:45-17:00	17:45-18:00	18:45-19:00
Tribunal questions	as needed	12:00-[TBC]	17:00-[TBC]	18:00-[TBC]	19:00-[TBC]
<b>Day 5 – Friday, 4 June 2021</b>					
Claimants' closing statement	1 hour, 30 minutes	8:30-10:00	13:30-15:00	14:30-16:00	15:30-17:00
<i>Break</i>	1 hour, 30 minutes	10:00-11:30	15:00-16:30	16:00-17:30	17:00-18:30
Respondent's closing statement	1 hour, 30 minutes	11:30-13:00	16:30-18:00	17:30-19:00	18:30-20:00
<i>Break</i>	15 minutes	13:00-13:15	18:00-18:15	19:00-19:15	20:00-20:15
Concluding housekeeping matters	45 minutes	13:15-14:00	18:15-19:00	19:15-20:00	20:15-21:00