

**IN THE MATTER OF AN ARBITRATION UNDER
THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BELARUS
AND THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA ON THE PROMOTION AND
PROTECTION OF INVESTMENTS**

- and -

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

- between -

OPEN JOINT STOCK COMPANY “BELARUSKALI”

(the “Claimant”)

and

THE REPUBLIC OF LITHUANIA

(the “Respondent” and, together with the Claimant, the “Parties”)

(PCA Case No. 2024-03)

PROCEDURAL ORDER NO. 6

Document Production

Tribunal

Professor Gabrielle Kaufmann-Kohler (Presiding Arbitrator)

Professor Azzedine Kettani (Arbitrator)

Professor Zachary Douglas KC (Arbitrator)

Tribunal Secretary: Dr Johannes Fahner

Registry: Permanent Court of Arbitration

13 January 2026

I. PROCEDURAL BACKGROUND

1. On 17 December 2025, in accordance with step 7 of scenario 1 of the procedural calendar, the Parties filed their Redfern Schedules with the Tribunal. Each Redfern Schedule contained: (i) the requesting Party's requests for document production (the **Requests**); (ii) objections from the opposing Party; and (iii) the requesting Party's responses to such objections. In addition, the Claimant's Redfern Schedule contained "general comments" from the Respondent on the Claimant's Requests, followed by the Claimant's response to these comments.
2. This Procedural Order addresses the Parties' unresolved Requests.

II. LEGAL FRAMEWORK

3. Procedural Order No. 1 contains the following provisions on document production:
 - 4.1 Within the time limit set in Annex 1, a Party may request the other Party to produce documents or categories of documents, using the form of the "Redfern Schedule" in Annex 2 hereto, in both Word and .pdf format. The Tribunal recommends that the number of requests per Party do not exceed 20, including sub-requests. A Party wishing to exceed this number shall announce it two weeks before the submission of the Redfern Schedule, explaining the reasons and need for a number higher than recommended.
 - 4.2 Each request for production shall:
 - 4.2.1 identify with specificity:
 - a. the type(s) or category of documents whose production is sought (for example, letters, emails, minutes of meetings, memoranda, notes, reports). Parties shall not use a generic formulation, such as "all documents" or "all records", or use such formulation and then define it to "include" specific types of documents;
 - b. the author, sender, recipient, and/or custodian of the requested document or category of documents (i.e., by the name of the individual, department, entity, or organ, as the case may be). A Party asserting that such identification is not possible must adequately substantiate such assertion; and
 - c. a date for individual documents or a narrow and proportionate period for a category of documents;

- 4.2.2 describe the subject matter in sufficient detail and with necessary particulars to enable an effective search for responsive documents to be carried out;
 - 4.2.3 specify that the documents requested are not in the possession, custody or control of the requesting Party (or explain why it would be unreasonably burdensome for the requesting Party to produce them), and that they are likely to exist and be in the possession, custody or control of the other Party; and
 - 4.2.4 explain, with specific references to the record, why the document or category of documents sought is relevant to the case and material to its outcome and, more specifically, which fact alleged in the arbitration the document sought is intended to prove.
- 4.3 If the Tribunal considers that a request lacks sufficient specificity, the presumption is that it will be rejected. The Tribunal may, however, on its own initiative order the production of a subset of the documents requested in the event that a relevant and narrow subset can be readily identified and the Tribunal considers that the lack of specificity of the initial request does not taint the putative disclosure.
- (...)
- 4.6 The Tribunal will, in its discretion, rule upon the production of the documents or categories of documents having regard to the legitimate interests of the other Party, and all of the surrounding circumstances. In deciding document production requests, the Tribunal may take guidance from the 2020 IBA Rules on the Taking of Evidence in International Arbitration.
- 4.7 When ruling on production, the Tribunal will in particular take into account that a Party shall not be entitled to the production of a document:
- 4.7.1 seeking to establish a fact that is already proven by evidence on record;
 - 4.7.2 seeking to establish a fact for which the other Party bears the burden of proof;
 - 4.7.3 the search of which would be too burdensome, taking into consideration the added value of the document for the resolution of the dispute and the burden of the search efforts; and

4.7.4 that is privileged and or otherwise protected, provided the legal basis for such claim of privilege or protection is set out in sufficient detail for the Tribunal to make an informed decision in case of objection.

(...)

4. Pursuant to paragraph 4.6 of Procedural Order No. 1, quoted above, the Tribunal may take guidance from the 2020 IBA Rules on the Taking of Evidence in International Arbitration (the **IBA Rules**), which contain the following provisions:

Article 3 Documents

(...)

3. A Request to Produce shall contain:

(a) (i) a description of each requested Document sufficient to identify it, or

(ii) a description in sufficient detail (including subject matter) of a narrow and specific requested category of Documents that are reasonably believed to exist; in the case of Documents maintained in electronic form, the requesting Party may, or the Arbitral Tribunal may order that it shall be required to, identify specific files, search terms, individuals or other means of searching for such Documents in an efficient and economical manner;

(b) a statement as to how the Documents requested are relevant to the case and material to its outcome; and

(c) (i) a statement that the Documents requested are not in the possession, custody or control of the requesting Party or a statement of the reasons why it would be unreasonably burdensome for the requesting Party to produce such Documents, and

(ii) a statement of the reasons why the requesting Party assumes the Documents requested are in the possession, custody or control of another Party.

(...)

5. If the Party to whom the Request to Produce is addressed has an objection to some or all of the Documents requested, it shall state the objection in writing to the Arbitral Tribunal and the other Parties within the time ordered by the Arbitral Tribunal. The reasons for such objection shall be any of those set forth in Articles 9.2 or 9.3, or a failure to satisfy any of the requirements of Article 3.3. If so directed by the Arbitral Tribunal, and within the time so ordered, the requesting party may respond to the objection.

(...)

7. Either Party may, within the time ordered by the Arbitral Tribunal, request the Arbitral Tribunal to rule on the objection. The Arbitral Tribunal shall then, in timely fashion, consider the Request to Produce, the objection and any response thereto. The Arbitral Tribunal may order the Party to whom such Request is addressed to produce any requested Document in its possession, custody or control as to which the Arbitral Tribunal determines that (i) the issues that the requesting Party wishes to prove are relevant to the case and material to its outcome; (ii) none of the reasons for objection set forth in Articles 9.2 or 9.3 applies; and (iii) the requirements of Article 3.3 have been satisfied. Any such Document shall be produced to the other Parties and, if the Arbitral Tribunal so orders, to it.

(...)

Article 9 Admissibility and Assessment of Evidence

(...)

2. The Arbitral Tribunal shall, at the request of a Party or on its own motion, exclude from evidence or production any Document, statement, oral testimony or inspection, in whole or in part, for any of the following reasons:
 - (a) lack of sufficient relevance to the case or materiality to its outcome;
 - (b) legal impediment or privilege under the legal or ethical rules determined by the Arbitral Tribunal to be applicable (see Article 9.4 below);
 - (c) unreasonable burden to produce the requested evidence;

(...)

- (e) grounds of commercial or technical confidentiality that the Arbitral Tribunal determines to be compelling;
- (f) grounds of special political or institutional sensitivity (including evidence that has been classified as secret by a government or a public international institution) that the Arbitral Tribunal determines to be compelling; or
- (g) considerations of procedural economy, proportionality, fairness or equality of the Parties that the Arbitral Tribunal determines to be compelling.

(...)

4. In considering issues of legal impediment or privilege under Article 9.2(b), and insofar as permitted by any mandatory legal or ethical rules that are determined by it to be applicable, the Arbitral Tribunal may take into account:

- (a) any need to protect the confidentiality of a Document created or statement or oral communication made in connection with and for the purpose of providing or obtaining legal advice;

(...)

- (c) the expectations of the Parties and their advisors at the time the legal impediment or privilege is said to have arisen;
- (d) any possible waiver of any applicable legal impediment or privilege by virtue of consent, earlier disclosure, affirmative use of the Document, statement, oral communication or advice contained therein, or otherwise; and
- (e) the need to maintain fairness and equality as between the Parties, particularly if they are subject to different legal or ethical rules.

5. The Arbitral Tribunal may, where appropriate, make necessary arrangements to permit Documents to be produced, and evidence to be presented or considered subject to suitable confidentiality protection.

5. The Tribunal has assessed the unresolved Requests in light of the principles set out above. Its decisions are set out in Annexes A and B to this Procedural Order No. 6.
6. In addition, the Tribunal provides below its determination in respect of issues that affect multiple Requests.

III. CONTROL

7. In its “General Comments”, as well as in its objections to several of the Claimant’s Requests, the Respondent asserted that “LTG, LTG Cargo and KSA are commercial companies that are not parties to this arbitration”, and that internal materials of these companies are not within its possession, custody or control.¹
8. In response, the Claimant submitted that LTG, LTG Cargo and KSA are “100% state-owned entities” that “exercise elements of governmental authority, and are under Lithuania’s control”.² Accordingly, in the Claimant’s view, “the Respondent should be considered to be in possession, custody or control of the documents owned by LTG/LTG Cargo and KSA”.³
9. Document production requests do not necessarily need to be limited to documents within the “possession” or “custody” of the party to whom the request is addressed. As is clear from paragraph 4.2.3 of Procedural Order No. 1 and Article 3 of the IBA Rules, requests may also cover documents that are within the “control” of that party.
10. While the term “control” is not defined in the IBA Rules, it is broadly accepted in arbitral practice that where requested documents are held by an entity that is controlled by the party to whom the request is addressed, such documents are deemed to be within that party’s control, unless it made “best efforts” to obtain these documents and such efforts were unsuccessful.⁴
11. In any event, a tribunal has the power to request a party to use its best efforts to obtain documents from any person or organisation pursuant to Article 3(10) of the IBA Rules.
12. In the present case, [REDACTED]
[REDACTED]

¹ Claimant’s Redfern Schedule, p. 5.

² Claimant’s Redfern Schedule, p. 12.

³ Claimant’s Redfern Schedule, p. 13.

⁴ See, e.g., Reto Marghitola, *Document Production in International Arbitration* (Kluwer 2015) para. 5.08[B]; Roman Khodykin *et al*, *A Guide to the IBA Rules on the Taking of Evidence in International Arbitration* (OUP 2019) para. 6.173-6.198.

⁵ C-307.

[REDACTED] With respect to documents that LTG did not produce despite the Respondent's request, the Tribunal finds that the Respondent has made sufficient efforts to obtain these documents.

13. By contrast, insofar as [REDACTED], the Respondent has not yet exhausted its best efforts to obtain these documents. This applies to the documents covered by the following Requests granted by the Tribunal: Request No. 1 and Request No. 10(i)(1)⁷ and 10(ii)(12).⁸

14. [REDACTED]

IV. CONFIDENTIALITY

15. In its "General Comments", as well as in its objections to several of the Claimant's Requests, the Respondent invoked various grounds for confidentiality, on the basis of which it withheld or redacted certain documents.

a. Attorney-client privilege

16. The Respondent relies on attorney-client privilege in respect of the Claimant's Request No. 4.1, which seeks documents containing the [REDACTED] and the Claimant's Request No. 10(ii), which concerns [REDACTED]

⁶ C-308.

⁷ [REDACTED]

⁸ [REDACTED]

- [REDACTED]
- [REDACTED]
17. In support of its claim for attorney-client privilege, the Respondent cites the Law on the Bar of Lithuania, which stipulates in Article 45(2) that “[d]ata from meetings or conversations between an advocate and a client may not be used as evidence”.⁹ Moreover, Article 46(5) of that same law provides:¹⁰

Getting public or secret access to the information subject to advocate’s professional secrecy and using it as evidence shall be prohibited. Information subject to advocate’s professional secrecy shall encompass the fact of consulting the advocate, the terms and conditions of the contract with the client, the information and data provided by the client, the nature of the consultation and the data collected by the advocate at the request of the client, as well as other content of communication between the advocate and the client, including meetings, correspondence, telephone conversations, and other forms of communication.

18. The Claimant does not dispute that these provisions govern the Respondent’s reliance on attorney-client privilege, and the Tribunal finds that there is a sufficiently strong connection between the legal privilege at issue and Lithuanian law. Indeed, that law constitutes the legal environment in which the Respondent and its lawyers acted when they communicated. The application of such law also appears to conform to the Parties’ legitimate expectations.
19. This being so, Belaruskali argues that Article 45(2) of the Law on the Bar of Lithuania does not extend to “formal legal conclusions given by the attorney to the client”, and that Article 46(5) does not preclude the disclosure of a document “prepared for consulting on business/commercial decisions outside the context of the present or any other proceedings”.¹¹
20. Attorney-client privilege is a fundamental principle of justice that is widely protected under domestic legislations. It is in line with transnational standards and upheld in investment arbitration. Accordingly, the IBA Rules, which codify transnational practice and to which the Tribunal may refer for guidance, acknowledge “any need to protect the confidentiality of a Document created or statement or oral communication made in connection with and for the purpose of providing or obtaining legal advice”.

⁹ Claimant’s Redfern Schedule, p. 48.

¹⁰ Claimant’s Redfern Schedule, p. 48.

¹¹ Claimant’s Redfern Schedule, p. 53, 104-105.

21. The privilege as set forth in the relevant statutory provisions of Lithuanian law cited by the Respondent appears to have a wide scope, covering any “content of communication between the advocate and the client”. There is no limitation depending on the form or purpose of the legal advice.
22. The Tribunal thus sees no basis to exclude “formal legal conclusions” from the scope of protection. Given that the purpose of seeking advice from a lawyer is generally to obtain legal conclusions, it would seem contrary to the very objective of attorney-client privilege to carve out such conclusions. Similarly, considering the wide ambit of the statutory rule, there is no justification for drawing a distinction depending on the context in which the legal advice is sought, *i.e.*, whether it is in respect of litigation or of business decisions.
23. As a consequence, the Claimant’s Requests Nos 4.1 and 10(ii)(8-11) are denied on grounds of attorney-client privilege.
24. On the other hand, the Claimant’s Request No.10(ii)(12), according to the Respondent, concerns legal advice from in-house counsel.
25. The existence of attorney-client privilege for advice by in-house lawyers is less uniformly recognised than that attaching to advice from outside counsel. The Parties provide contradictory assertions as to the situation under Lithuanian law, although neither supports its position with legal authorities. This being said, Article 9(4) of the IBA Rules, as cited above, does not distinguish between in-house and outside counsel when referring to the confidentiality of “a Document created or statement or oral communication made in connection with and for the purpose of providing or obtaining legal advice”.
26. The Tribunal is not presently satisfied that the document identified in the Claimant’s Request No.10(ii)(12) is exempt from disclosure on the basis of attorney-client privilege. Accordingly, the Tribunal grants the request subject to further substantiation by the Respondent in the privilege log as to whether attorney-client privilege extends to in-house counsel.

b. Special political or institutional sensitivity

27. In its “General Comments”, as well as in its objections to several of the Claimant’s Requests, Lithuania objects to the production of “classified information under Lithuanian law”, which it says includes “[c]ertain categories of information relating to national security assessments, intelligence activities, or other protected data”. In support of its position, the Respondent refers to provisions of the Law on State and Official Secrets and the Criminal

Code, noting that the disclosure of classified information constitutes “a criminal act or an administrative offence under Lithuanian law”.¹²

28. In addition, in its specific objections to several of the Claimant’s Requests, Lithuania refers to the confidentiality afforded by the National Security Law to information provided to the Commission for the Coordination of the Protection of Objects Critical for National Security. The Respondent also cites EU legislation on the confidentiality of information related to the enforcement of restrictive measures, public security, or international relations.
29. The Claimant argues that the Respondent’s claims of “state secrecy” cannot justify the non-disclosure of responsive documents, as the validity of Lithuania’s alleged national security concerns is at “the core of the present dispute”. Belaruskali submits that the impugned measures adopted by the Respondent did not derive from “genuine interests of national security which could justify the Respondent’s measures” and that “the Respondent’s actions were driven by political considerations”. In the Claimant’s view, the requested documents are therefore “crucial for determining whether the national security interests justification of the Respondent’s measures was valid”.¹³
30. The IBA Rules stipulate that an arbitral tribunal may exclude evidence on “grounds of special political or institutional sensitivity”, including “evidence that has been classified as secret by a government”. However, the IBA Rules also make clear that the special political or institutional sensitivity of a document does not automatically justify its non-disclosure. Rather, a tribunal must determine whether the special political or institutional sensitivity of the document constitutes a “compelling” ground for non-disclosure in the context of the proceedings at issue. This determination requires a balancing of the competing interests at stake, including the Respondent’s concerns for its national security and the Claimant’s interest in proving its case.¹⁴ Moreover, a party invoking the special political or institutional sensitivity of a document should seek to accommodate the disclosure of the document with suitable confidentiality protection, e.g., in the form of redactions of certain passages, rather than withholding the document in its entirety.¹⁵
31. The Tribunal will conduct the necessary balancing of interests on a document-by-document basis. In order to enable this assessment, the Respondent is instructed to complete the privilege log that is attached to this Procedural Order as Annex C for any

¹² Claimant’s Redfern Schedule, p. 4.

¹³ Claimant’s Redfern Schedule, p. 9-10.

¹⁴ See, e.g., *William Richard Clayton, Douglas Clayton, Daniel Clayton, and Bilcon of Delaware Inc v Canada*, PCA Case 2009-04, Procedural Order No 13 of 11 July 2012, paras 22; *Huawei Technologies Co Ltd v Sweden*, ICSID ARB/22/2, Procedural Order No 5 of 2 February 2024, paras 23.

¹⁵ See Article 9.5 of the IBA Rules.

document that is responsive to a Request granted by the Tribunal in respect of which the Respondent invokes special political or institutional sensitivity.

c. Commercial confidentiality

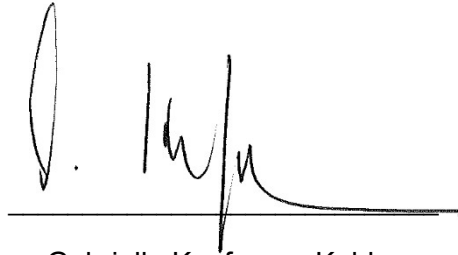
32. Both Parties refer to grounds of commercial confidentiality in their respective objections to Requests from the opposing Party.
33. The IBA Rules acknowledge that grounds of commercial confidentiality can constitute a bar to disclosure. However, again, such grounds need to be “compelling” in order to justify non-disclosure, and should be accommodated, as much as possible, by the redaction of the confidential information rather than the withholding of the responsive document.
34. Accordingly, either Party is instructed to complete the privilege log that is attached to this Procedural Order as Annex C for any document that is responsive to a Request granted by the Tribunal in respect of which that Party invokes commercial confidentiality.

V. ORDER

The Tribunal:

- i. decides the Claimant’s Requests in the manner set out in Annex A;
- ii. decides the Respondent’s Requests in the manner set out in Annex B;
- iii. directs the Parties to produce the documents responsive to a Request granted by the Tribunal by **28 January 2026**;
- iv. directs:
 - a) each Party seeking to redact or withhold a document on grounds of confidentiality to:
 - i. produce the document, if claimed to be confidential in part, with appropriate redactions; and
 - ii. provide to the opposing Party, by **28 January 2026**, a privilege log in the format of Annex C describing all the documents that it has redacted or withheld;
 - (b) each Party, to the extent it opposes the non-disclosure of a document, to provide its comments on the opposing Party’s privilege log by **4 February 2026**;

- (c) both Parties to make genuine efforts to resolve disputed confidentiality claims before submitting any outstanding disputes to the Tribunal by **11 February 2026**, after which the Tribunal will issue further directions.

A handwritten signature in black ink, consisting of a large, stylized initial 'G' followed by several loops and a long horizontal stroke extending to the right.

Gabrielle Kaufmann-Kohler
(Presiding Arbitrator)


On behalf of the Tribunal

Annex A – Claimant’s Requests

No. of Request	1
Documents or category of documents requested	<p>Letters, emails, memoranda, notes, reports, minutes of meetings and sessions, audio and video recordings of the meetings and sessions, preparatory materials to the meetings and sessions within the Ministry of Transport and Communications of Lithuania (“Ministry of Transport”), the Government of Lithuania, Ministry of Justice, Chancellery of the Government, Seimas’ Committee on Foreign Affairs, Seimas’ Committee of the Economic and Budget, Ministry of Foreign Affairs, Financial Crime Investigation Service (“FNTT”), State Security Department and/or LTG/LTG Cargo (including its Board of Directors, Management Board and shareholders) and/or exchanged between the referred bodies relating to discussion of issue of transit of the Claimant’s cargoes, the assessment of risks posed by such transit, the possible alternatives for eliminating such risks, possible invalidation, termination or refusal of the Contract Regarding Organization of Transportation between LTG and Belaruskali No. [REDACTED] dated [REDACTED] 2018 (“2018 Contract”), initiation of the procedure of transaction screening within Commission for the Protection of Objects Critical for National Security of the Republic of Lithuania (“Commission”) for the period from 24 June 2021 to 12 January 2022.</p>
Decision	<p>GRANTED</p> <p>The Request is sufficiently specific, and the requested documents appear <i>prima facie</i> relevant and material. As concerns the Respondent’s references to confidentiality, the Tribunal refers to its discussion of these issues in Procedural Order No. 6. Insofar as the Request covers documents held by LTG/LTG Cargo, the Respondent is instructed to use its best efforts to obtain these documents.</p>
No. of Request	2
Documents or category of documents requested	<p>Minutes of meetings, preparatory materials, memoranda, notes, reports, audio and video recordings of the meetings of the Government of Lithuania relating to the discussion and adoption of the Government’s Resolution dated 12 January 2022.</p>
Decision	<p>GRANTED</p> <p>The Request is sufficiently specific, and the requested documents appear <i>prima facie</i> relevant and material, which the Respondent has not specifically disputed. As concerns the Respondent’s reference to confidentiality, the Tribunal refers to its discussion of this issue in Procedural Order No. 6.</p>

No. of Request	3
Documents or category of documents requested	Letters, emails, memoranda, notes, reports, minutes of meetings within and between LTG/LTG Cargo, the Government of Lithuania and its Chancellery, the Ministry of Transport, Ministry of Justice, Ministry of Foreign Affairs, Seimas' Committee on Foreign Affairs, Seimas' Committee of the Economic and Budget, FNTT and/or State Security Department regarding discussion and approval of transfer of LTG's rights and obligations under the 2018 Contract to LTG Cargo, intention of LTG/LTG Cargo to receive advance payments from the Claimant under the 2018 Contract, to conclusion and execution of the Agreement on the Amendment and Additions to the 2018 Contract No. [REDACTED] dated [REDACTED] 2021 ("2021 Amendment") and to receipt of advance payments from the Claimant under the 2021 Amendment for the period of 2018-2021.
Decision	DENIED The Request is too broad, as it does not contain a description in sufficient detail of any narrow and specific category of documents. The search and production of responsive documents, spanning a period of four years and a wide range of institutions, would be unreasonably burdensome on the Respondent.
No. of Request	4
Documents or category of documents requested	Documents referred to in [REDACTED] (R-136), namely: 1. [REDACTED] 2. [REDACTED] 3. [REDACTED]
Decision	DENIED The Tribunal notes that Request 4.1 targets a document prepared by LTG's "external lawyers", and the Respondent has sufficiently

	<p>substantiated that such communications are privileged under Lithuanian law.</p> <p>The Tribunal notes that the Respondent has produced certain documents under Request 4.2. Beyond such documents, the Request is denied. The Respondent has clarified that it has redacted information “unrelated to Belaruskali”, and the Tribunal has no reason to doubt the veracity of this statement. Moreover, as concerns “notes, reports [and] preparatory materials”, the Claimant has not sufficiently demonstrated that such documents, which are not referenced in R-136, are relevant and material.</p> <p>The Tribunal notes that the Respondent has produced certain documents under Request 4.3. Beyond such documents, the Request is denied, as the Claimant has not sufficiently substantiated the relevance and materiality of [REDACTED] that are not referenced in R-136.</p>
No. of Request	5
Documents or category of documents requested	Letters, emails, memoranda, notes, reports, minutes of meetings, audio and video recordings of the meetings within the Seimas of Lithuania and its committees and/or between the Seimas of Lithuania, its committees and the Government of Lithuania, the Ministry of Transport, the Ministry of Foreign Affairs, FNTT and/or Commission relating to the introduction of amendments to the Lithuania’s National Security Strategy, approved by the Seimas of Lithuania on 16 December 2021 (relating to the alleged threat of the political regime of the Republic of Belarus to the Lithuania’s national security) for the period from 25 November 2020 to 16 December 2021.
Decision	<p>DENIED</p> <p>The Request is too broad, as it does not contain a description in sufficient detail of any narrow and specific category of documents. The search for the requested documents, the scope of which extends significantly beyond the present dispute, would be unreasonably burdensome on the Respondent.</p>
No. of Request	6
Documents or category of documents requested	Letters, emails, memoranda, notes, reports, proposals, explanations, instructions, clarifications, correspondence with all attachments between Lithuania and/or its state bodies/officials and the EU High Representative of the Union for Foreign Affairs and Security Policy, Council of the EU and/or European Commission relating to the proposals, initiative and/or discussions on adoption, application, interpretation and clarification of restrictive measures aimed at

	prohibition of import into the EU, the purchase or transfer of potassium chloride and of EU sanctions against the Claimant for the period from June 2021 to March 2022.
Decision	<p>GRANTED, NARROWED DOWN AS FOLLOWS:</p> <p><i>Letters and emails sent by the Government of Lithuania between June 2021 and March 2022 to EU institutions relating to the preparation, adoption and interpretation of Council Regulation (EU) 2021/1030 and Council Regulation (EU) 2022/355.</i></p> <p>Once narrowed down, the Request is sufficiently specific, and the requested documents appear <i>prima facie</i> relevant. With respect to the claim of confidentiality, the Respondent shall proceed as directed in Procedural Order No. 6.</p>
No. of Request	7
Documents or category of documents requested	Letters, emails, memoranda, reports, notes on the potential threats, minutes of meetings with all attachments, audio and video recordings of meetings, of the Government of Lithuania and of the Chancellery of the Government of Lithuania (including its departments and services), Ministry of Foreign Affairs, Ministry of Justice, Ministry of Transport, Seimas and other state bodies regarding discussion of the prohibition on the transit of Belarusian potash through the territory of Lithuania, the legality of such prohibition, the impact of such prohibition and sanctions on the transit of the Claimant's cargoes through the territory of Lithuania and possible risks for the Respondent related to such prohibition of transit for the period 2021-2025, including, but not limited to the referred types of documents relating to discussion and adoption of the Law of the Application and Implementation of Economic and Other Sanctions Against the Republic of Belarus Necessary to Ensure the National Security of the Republic of Lithuania.
Decision	<p>DENIED</p> <p>The Request is too broad, as it does not contain a description in sufficient detail of any narrow and specific category of documents. The search of the requested documents, spanning a period of five years, a wide range of institutions and types of documents, would be unreasonably burdensome.</p>
No. of Request	8
Documents or category of documents requested	Applications and requests 

	<p>[REDACTED]</p> <p>Decisions, conclusions, minutes of meetings with all preparatory materials [REDACTED] for the period as from December 2021 until the end of 2022.</p>
Decision	<p>The Tribunal notes that the Claimant has withdrawn Request 8.1.</p> <p>GRANTED</p> <p>Request 8.2 is sufficiently specific, and the requested documents appear <i>prima facie</i> relevant and material. As concerns the invocation of confidentiality, the Respondent shall proceed as directed in Procedural Order No. 6. Similarly, to the extent responsive documents contain personal data which is protected under Regulation (EU) 2016/679 (General Data Protection Regulation), the Respondent is instructed to identify in its privilege log any redactions that it makes on this ground.</p>
No. of Request	9
Documents or category of documents requested	<p>Budget, production and development forecasts and/or business plans prepared by LTG/LTG Cargo, JSC "Klaipeda Sea Port Authority" ("KSA") and the Ministry of Transport in 2013 2019-2021, covering the 2013 2020-2030 period and beyond, reflecting estimated revenue from railway freights on the territory of Lithuania, port services and/or transshipments in the Klaipeda Port, including breakdown by cargo type and by contractors, together with explanatory notes to such forecasts and business plans.</p>
Decision	<p>DENIED</p> <p>The Request is too broad, as it does not contain a description in sufficient detail of any narrow and specific category of documents. The production of the requested documents, the scope of which extends significantly beyond the present dispute, would be unreasonably burdensome. In addition, the Claimant has not sufficiently demonstrated the relevance and materiality of the requested documents.</p>
No. of Request	10
Documents or category of documents requested	<p>The documents attached to [REDACTED] (R-121) (which amounted to [REDACTED]), together with all attachments, including but not limited to:</p>

(i) Documents listed in para. 1 of R-121:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]

(ii) Documents listed in para. 2 of R-121:

8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]

	<p>(iii) Documents listed in para. 12 of R-121:</p> <p>13. [REDACTED]</p> <p>14. FAQ 918 U.S. Department of the Treasury;</p> <p>15. [REDACTED]</p> <p>16. [REDACTED]</p> <p>(iv) [REDACTED] as referenced in para 2(v) of R-121, [REDACTED]</p> <p>(v) [REDACTED] as referenced in paras. 3, 10, 11 of R-121, [REDACTED]</p> <p>(vi) [REDACTED] as referenced in paras. 10, 11 of R-121.</p>
<p>Decision</p>	<p>10(i)1 GRANTED, as this sub-request is sufficiently specific, and the requested document appears <i>prima facie</i> relevant, which the Respondent has not specifically disputed. As concerns the Respondent’s references to (i) the lack of control over documents held by LTG; and (ii) confidentiality, the Tribunal refers to its discussion of these issues in Procedural Order No. 6.</p> <p>10(i)(2)-(7) DENIED beyond the documents voluntarily produced by the Respondent. The Respondent has clarified that it has redacted information “unrelated to Belaruskali”, and the Tribunal has no reason to doubt the veracity of this statement. As concerns the “preparatory materials”, which were not provided to [REDACTED], the Claimant has not sufficiently demonstrated their relevance.</p> <p>10(ii)(8)-(11) DENIED, as the Respondent has clarified that the requested documents concern communications between LTG and its “external</p>

	<p>legal counsel”, which the Tribunal has no reason to doubt, and the Respondent has sufficiently substantiated that such communications are privileged under Lithuanian law.</p> <p>10(ii)(12) The Tribunal is not currently satisfied that document no. (12), described by the Respondent as [REDACTED] is barred from disclosure on account of attorney-client privilege. The Tribunal thus GRANTS the request in the sense that it orders the Respondent to make its best efforts to produce the document and/or to substantiate the protection of inhouse counsel advice in a privilege log, as specified in Procedural Order No. 6.</p> <p>10(iii) The Tribunal notes that no decision is required as the Claimant has confirmed that Lithuania produced the requested document.</p> <p>10(iv) DENIED, as the Claimant has not sufficiently demonstrated the relevance of the requested documents. [REDACTED] [REDACTED] The Tribunal has no reason to doubt the veracity of this statement, especially since the attachments to Exhibit R-121 did not include [REDACTED]</p> <p>10(v) The Tribunal notes that no decision is required as Lithuania produced documents under this sub-request and the Claimant has not further pursued it.</p> <p>10(vi) Request 10(vi) is DENIED, as the Claimant has not sufficiently demonstrated the relevance of the requested document.</p>
No. of Request	11
Documents or category of documents requested	Full versions of [REDACTED]

<p>Decision</p>	<p>DENIED The Respondent has stated that the redactions address “[REDACTED]”. The Tribunal has no reason to doubt the veracity of these statements, and is therefore satisfied that the redactions are justified by compelling grounds of commercial confidentiality.</p>
<p>No. of Request</p>	<p>12</p>
<p>Documents or category of documents requested</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>
<p>Decision</p>	<p>DENIED The Tribunal notes that the Respondent has produced the requested document, and that thereafter the Claimant added a follow-up request. That latter request was not filed in accordance with the rules and calendar set for the document production phase. If at all, it should first be pursued <i>inter partes</i>. Thereafter, leave might be sought from the Tribunal in a reasoned request.</p>
<p>No. of Request</p>	<p>13</p>
<p>Documents or category of documents requested</p>	<p>Decisions and minutes of meetings of the Freight Tariff Commission of LTG regarding granting the discounts to the Claimant for the transportation of its cargoes through the territory of Lithuania, proposals for granting such discounts with all accompanying documents submitted to the Freight Tariff Commission for the period from 2007-2018 to 2021; statistical and financial data indicating the number of vessels per year coming to Klaipeda port for loading fertilizers and indicating the total amount of discounts on vessel dues and navigation charges in the Klaipeda port per year, including but not limited to the Belarusian fertilizers for the period from 2013-16 March 2018 and 1 February 2022.</p>
<p>Decision</p>	<p>DENIED The Claimant has not sufficiently demonstrated the relevance of the documents requested under Request 13(1). The Claimant’s stated “purpose of demonstrating that LTG, LTG Cargo and KSA had acted</p>

	<p>under the control of the Respondent” appears too speculative to justify the Request.</p> <p>Request 13(2) is too broad, since it does not contain a description in sufficient detail of any narrow and specific category of documents. The production of the requested documents, the scope of which extends beyond the present dispute, would be unreasonably burdensome.</p>
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Annex B – Respondent’s Requests

No. of Request	1
Documents or category of documents requested	A full and unredacted version of the Contract on Shares Sale and Purchase dated [REDACTED] (C-42) together with any subsequent amendments or variations.
Decision	No decision required.
No. of Request	2
Documents or category of documents requested	Payment records or other Documents sufficient to support each line item in the document titled [REDACTED] (C-124), in each case showing the source of funds, the recipient, and the nature and amount of each cash payment or other consideration.
Decision	No decision required.
No. of Request	3
Documents or category of documents requested	<p>All Documents, letters, and/or attachments referred to in, or attached to, the [REDACTED] (C-123). i.e.:</p> <ul style="list-style-type: none"> • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED]

Decision	No decision required.
No. of Request	4
Documents or category of documents requested	<p>For the period 24 June 2021 (<i>the date of the June 2021 EU Sanctions</i>) to 8 August 2024 (<i>the date of</i> [REDACTED]):</p> <ul style="list-style-type: none"> i. All contracts (and any related amendments) entered into between Belaruskali (and/or its subsidiaries or affiliates) and [REDACTED] (and/or its subsidiaries or affiliates); and ii. Original Documents sufficient to show all payments made pursuant to any of the Documents responsive to part (i) of this request.
Decision	<p>GRANTED</p> <p>The Request is sufficiently specific, which the Claimant has not disputed, and the requested documents appear <i>prima facie</i> relevant. With respect to the claim of confidentiality, the Claimant shall proceed as directed in Procedural Order No. 6.</p>
No. of Request	5
Documents or category of documents requested	<p>All Documents created between 1 October 2021 (<i>six months prior to the statement by the Belarusian Prime Minister that Belarus had been planning alternative routes in anticipation of losing access to Lithuanian rail "for a long time" (R-156)</i>) and 31 July 2022 ([REDACTED] (CWS-1, ¶ 48)) in the possession, custody, or control of Belaruskali which refer to Viktor Sheiman in the context of Belaruskali's planning or implementation of alternative routes for export of its products.</p>
Decision	<p>GRANTED</p> <p>The Request is sufficiently specific and <i>prima facie</i> relevant. Hence, the Claimant shall conduct a new search and produce any responsive documents arising from that search. If that new search confirms the non-existence of the documents, the Claimant shall disclose its search protocol, including date range, data sources, custodians, and search terms.</p>
No. of Request	6
Documents or category of documents requested	<p>An unredacted version of Exhibit C-39 (being Contract [REDACTED] [REDACTED], the <i>Export Contract</i>) together with any other</p>

	framework agreements, amendments, MoUs, or pricing documents, relating to the Export Contract.
Decision	No decision required.
No. of Request	7
Documents or category of documents requested	All internal memoranda, assessments (including financial assessments), compliance plans, or similar Documents created between 1 January 2021 and 31 December 2022 discussing the impact of international sanctions imposed on Belaruskali and potash products.
Decision	No decision required.
No. of Request	8
Documents or category of documents requested	All Documents created between 5 January 2021 (<i>the date of</i> [REDACTED] and 1 February 2022 (<i>the date the Government Resolution came into force</i>) related to the extension of the [REDACTED] (the [REDACTED] (C-145)) including, without limitation, Documents sufficient to show: (i) The first date on which an extension to 2066 was discussed; and (ii) all rationales discussed for agreeing such extension.
Decision	No decision required.
No. of Request	9
Documents or category of documents requested	Memoranda, presentations, and any other Documents created between 1 October 2021 (<i>six months prior to the statement by the Belarusian Prime Minister that Belarus had been planning alternative transportation routes in anticipation of losing access to Lithuanian rail "for a long time" (R-156)</i>) and 31 July 2022 ([REDACTED] (CWS-1, ¶ 48)) sufficient to show Belaruskali's estimates of costs of transporting its products through any routes Belaruskali considered or used as an alternative to the Klaipėda route ([REDACTED]) in the years 2022 and 2023.
Decision	No decision required.
No. of Request	10

<p>Documents or category of documents requested</p>	<p>All Documents created for or by, sent from, or received by, any member of the board of directors or executive-level management of Belaruskali (including but not limited to [REDACTED]) between 21 January 2021 (six months prior to the date of the June 2021 EU Sanctions) and 1 February 2022 (the date of the statement by the Belarusian Prime Minister that Belarus had been planning in anticipation of losing access to Lithuanian rail “for a long time” (R-156)) concerning alternative export/ transshipment routes for Belaruskali’s products, including all communications and minutes of meetings between Belaruskali and Belarusian government officials on this topic.</p>
<p>Decision</p>	<p>No decision required.</p>
<p>No. of Request</p>	<p>11</p>
<p>Documents or category of documents requested</p>	<p>Documents exchanged between Belaruskali and any third party on or after 1 February 2022 related to the [REDACTED] and sufficient to show the contract price or other consideration offered by any third party [REDACTED]</p>
<p>Decision</p>	<p>No decision required.</p>

Annex C – Privilege Log Template

No. of entry		
No. of Request		
Type of document		<p>The Party claiming privilege or confidentiality must describe each document (email, letter, memorandum, etc.) in a separate entry.</p> <p>Documents that are part of a group of documents (for example, an email chain) must be described in a separate entry, identifying the group of which it forms part.</p> <p>Documents that otherwise relate to another document (for example, as an attachment) must be entered separately but must be identified as such.</p>
Date of document		
Author/sender		Author/sender must be identified by name and position for all allegedly privileged documents. Where author/sender is an attorney and attorney-client privilege is claimed, that attorney must be identified as such, including whether outside or in-house counsel.
Recipient	Primary recipient(s)	Same comment as for author/sender <i>mutatis mutandis</i> for primary and cc recipients.
	Recipients in cc	
Subject matter		The Party claiming privilege must describe the subject matter of the document in sufficient detail to enable an assessment of claim of privilege or confidentiality, and, where applicable, of its compelling nature.
Type of privilege or confidentiality claimed		
Legal basis		
Response by the opposing Party		