

PCA CASE N° 2013-6

**IN THE MATTER OF AN ARBITRATION UNDER THE AGREEMENT ON
ENCOURAGEMENT AND RECIPROCAL PROTECTION OF INVESTMENTS BETWEEN
THE KINGDOM OF THE NETHERLANDS AND THE CZECH AND SLOVAK FEDERAL
REPUBLIC, PRAGUE, 29 APRIL 1991, AND THE UNCITRAL ARBITRATION RULES 1976**

- between -

**U.S. STEEL GLOBAL HOLDINGS I B.V.
(THE NETHERLANDS)**

(“Claimant”)

- and -

THE SLOVAK REPUBLIC

(“Respondent”)

PROCEDURAL ORDER N° 6

(Stipulated Termination Order)

By the Tribunal

Professor W. Michael Reisman (President)
Professor James Crawford
Professor Robert G. Volterra

16 June 2014

I. Procedural History

1. By means of a letter “Notice to Discontinue” dated 13 June 2014 Claimant informed the Arbitral Tribunal that it was withdrawing its claim and requested an order for termination of the proceedings in the following terms:

[F]ollowing discussions between the Parties and as a gesture of good will in their relations, Claimant hereby withdraws its claim on a “without prejudice” basis, without waiving any rights in relation to the facts and circumstances giving rise to the present dispute, without waiving its right to refile and with the understanding that Respondent waives any defense of res judicata against any claims that Claimant may raise in the future. Claimant considers that, as a result of the mutual understandings reached as reflected in this Notice, the continuation of the arbitral proceedings has become unnecessary and requests that the Tribunal issue an order for the termination of the proceedings under UNCITRAL Arbitration Rule 34(2) in accordance herewith.

Claimant emphasizes the Parties mutually intend that no negative inference or prejudice against either Party should be drawn or asserted with respect to the discontinuance of these proceedings. Furthermore, neither Party has made any admission of fault or liability, and no payment of compensation by one party to another or other settlement of the dispute has been agreed to between the Parties.

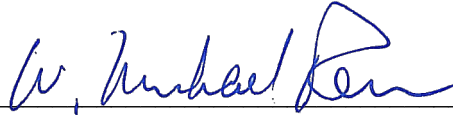
Claimant’s notice to discontinue the proceeding is also premised on the understanding that each Party shall bear all their own costs and expenses for their participation in the Proceedings, to include but not be limited to the fees and expenses of legal counsel, experts, consultants and fact witnesses, as well as half of the fees and expenses of the Arbitral Tribunal and the Permanent Court of Arbitration.

2. By letter of the same date, Respondent confirmed its consent to the withdrawal of claim and termination of the proceedings on the terms recited above.

II. The Tribunal’s Decision

3. The Arbitral Tribunal takes note of the withdrawal of Claimant’s claim on the terms agreed by the Parties. The Tribunal also observes that no final settlement of the dispute has been agreed by the Parties and that neither Party has requested the Tribunal to record any settlement in the form of an arbitral award.
4. In light of the foregoing, the Tribunal determines that the continuation of the arbitral proceedings has become unnecessary and declares the proceedings terminated in accordance with UNCITRAL Arbitration Rule 34(2). All previously scheduled procedures in the case, including the hearing scheduled for June 29 through July 3, are therefore cancelled with immediate effect.
5. As mutually agreed by the Parties, each Party shall bear its own costs and expenses for its participation in the proceedings, to include but not be limited to the fees and expenses of legal counsel, experts, consultants and fact witnesses, as well as half of the fees and expenses of the Arbitral Tribunal and the Permanent Court of Arbitration (“PCA”). As both Parties have contributed equally to the advances on costs, the PCA, as the administering authority for these proceedings, shall return half of the unused portion of the advance to each Party, after duly deducting all costs that have been incurred by the Tribunal and the PCA to date, including any non-refundable costs associated with the hearing.

Place of Arbitration: Paris, France
Date: 16 June 2014



Professor W. Michael Reisman
(Presiding Arbitrator)

On Behalf of the Tribunal