Statistics of ECT Cases
(as of 23/10/2019)

* In seven of these cases, it does not appear possible to identify particular energy sources.
Statistics of ECT Cases
(as of 23/10/2019)

Number of Investment Disputes under the ECT: 128 cases

Disputes intra EU
Other cases

Intra-EU and Disputes with Third Countries
(cases with mix investors (from the EU and third states) are included in both categories)
Statistics of ECT Cases
(as of 23/10/2019)

Procedural Rules Applied: 128 Cases

- ICSID rules (82)
- SCC rules (24)
- Ad hoc UNICTRAL rules (10)
- PCA (UNCITRAL rules) (12)

Respondents: 128 Cases

Number of disputes
Statistics of ECT Cases
(as of 23/10/2019)

Nationality or premanent residency of Claimants:
128 cases (in one case, nationalities of all claimants are unknown)
Classification of claimant investors according to size (128 cases) (based on Platts Top 250 Global Energy Rankings - assets greater than US $ 5 billion)

Classification of claimant investors according to ownership and control (128 cases)
Statistics of ECT Cases
(as of 23/10/2019)

Classification of claimant investor according to company type (128 cases)

- Company (174): 64%
- Holding (34): 13%
- Individual investor (25): 9%
- Investment fund (32): 12%
- Bank (6): 2%

Status of investment disputes under the ECT: 128 cases

- Pending (61): 48%
- Settled (9) of which (4) were embodied in an award: 2%
- Awards (54) of which (11) pending annulment proceedings: 1%
- Discontinued (3): 7%
- Withdrawn (1): 1%
### Statistics of ECT Cases
(as of 23/10/2019)

#### Outcome of final awards (58), including (4) settlement agreements embodied in an award

- **No jurisdiction (9)**
- **No breach of the ECT (18)**
- **Breach of ECT but no damages awarded (2)**
- **Breach of ECT and damages awarded (25)**
- **Settlement agreement embodied in an award (4)**

<table>
<thead>
<tr>
<th>Case</th>
<th>Claim</th>
<th>Award</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nykomb v. Latvia (16 Dec 2003)</td>
<td>7,097,680 Lats + specific performance</td>
<td>1,600,000 Lats + Specific performance</td>
<td>23%</td>
</tr>
<tr>
<td>Petrobart v. Kyrgyzstan (29 March 2005)</td>
<td>4,084,652 USD</td>
<td>1,130,859 USD</td>
<td>27.7%</td>
</tr>
<tr>
<td>EDF International S.A. v. Hungary (4 Dec 2014)</td>
<td>Estimated US 100 million</td>
<td>Eur. 107 million</td>
<td>(estim.) 100%</td>
</tr>
<tr>
<td>Kardassopoulos v. Georgia (3 March 2010)</td>
<td>350 million USD</td>
<td>30.2 million USD</td>
<td>8.63%</td>
</tr>
<tr>
<td>Energoalliance v. Moldova (08 July 2010)</td>
<td>MDL 243,577,971.11+interest</td>
<td>195,547,212 MLD+interest</td>
<td>80%</td>
</tr>
<tr>
<td>Khan Resources v. Mongolia (10 Jan 2011)</td>
<td>326 million USD</td>
<td>80 million USD</td>
<td>24.5%</td>
</tr>
<tr>
<td>Remington v. Ukraine (28 April 2011)</td>
<td>36 million USD</td>
<td>4,5 million USD</td>
<td>12.5%</td>
</tr>
<tr>
<td>Ascom v. Kazakhstan (19 December 2013)</td>
<td>2,6 billion USD</td>
<td>497,685.101 USD</td>
<td>20%</td>
</tr>
<tr>
<td>3 Yukos Cases (18 July 2014)</td>
<td>114,174 billion USD</td>
<td>50,02 billion USD</td>
<td>43.8%</td>
</tr>
<tr>
<td>Eiser v. Spain (4 May 2017)</td>
<td>298 million Euro</td>
<td>128 million Euro</td>
<td>43%</td>
</tr>
<tr>
<td>Aktau Petrol Ticaret A.S. v. Kazakhstan (13 November)</td>
<td>80 million USD</td>
<td>22.7 million USD</td>
<td>28.4%</td>
</tr>
</tbody>
</table>
## Statistics of ECT Cases

(as of 23/10/2019)

<table>
<thead>
<tr>
<th>Year</th>
<th>Case Description</th>
<th>Claimed Amount (EUR)</th>
<th>Paid Amount (EUR)</th>
<th>Award Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>Novenergia v. Spain (15 February 2018)</td>
<td>61.3 million</td>
<td>53.3 million</td>
<td>86.9%</td>
</tr>
<tr>
<td></td>
<td>Masdar Solar &amp; Wind Cooperatief U.A. v. Spain (16 May 2018)</td>
<td>260 million</td>
<td>64.5 million</td>
<td>24.8%</td>
</tr>
<tr>
<td></td>
<td>Antin Infrastructure Services Luxembourg S.à.r.l. and Antin Energia Termosolar B.V. v. Spain (15 June 2018)</td>
<td>238 million</td>
<td>112 million</td>
<td>47%</td>
</tr>
<tr>
<td></td>
<td>Greentech Energy Systems, Novenergia v. Italy (23 December 2018)</td>
<td>25.06 million</td>
<td>11.9 million</td>
<td>47.5%</td>
</tr>
<tr>
<td></td>
<td>CEF Energia BV v. Italy (16 January 2019)</td>
<td>10.3 million</td>
<td>9.6 million</td>
<td>93.2%</td>
</tr>
<tr>
<td></td>
<td>9REN Holding S.a.r.l v. Spain (31 May 2019)</td>
<td>52.2 million</td>
<td>41.76 million</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td>SolEs Badajoz GmbH v. Spain (July 31, 2019)</td>
<td>97.7 million</td>
<td>41 million</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>Cube Energy S.C.A. and others v. Spain (15 July 2019)</td>
<td>74.1 million</td>
<td>33.7 million</td>
<td>45.5%</td>
</tr>
<tr>
<td></td>
<td>OperaFund Eco-Invest SICAV PLC Schwab Holding v. Spain (2019)</td>
<td>42.8 million</td>
<td>30 million</td>
<td>70%</td>
</tr>
<tr>
<td></td>
<td>NextEra Energy Global Holdings B.V., NextEra Energy Spain Holdings B.V. v. Spain (2019)</td>
<td>393.6 million</td>
<td>290.6 million</td>
<td>73.8%</td>
</tr>
</tbody>
</table>
Statistics of ECT Cases
(as of 23/10/2019)

Breaches alleged*

* This chart is based on 55 out of 128 publicly known arbitration cases instituted under the ECT as of 8 October 2019. The remaining 72 cases are not considered for lack of information.
Statistics of ECT Cases
(as of 23/10/2019)

Breaches found*

* This chart is based on 29 arbitral award/decisions under the ECT published as of 23 October 2019. The outcome of two finalised cases is not considered for lack of published awards/decisions.
Statistics of ECT Cases
(as of 23/10/2019)

Allocation between the Parties of Costs of Arbitration Proceedings (48 cases)

- Parties share costs in equal parts (36% of 48 cases, 17 cases)
- Loser pays (31% of 48 cases, 16 cases)
- Other, incl. relative success rate (33% of 48 cases, 15 cases)

Legal costs (48 cases)

- Each party bears its own legal costs (50% of 48 cases, 24 cases)
- Loser pays part of legal costs to winner (50% of 48 cases, 24 cases)
Statistics of ECT Cases
(as of 23/10/2019)

Number of Arbitrators per Nationality

- Members of the Energy Charter Conference
- Observers to the Energy Charter Conference
- Third States

- **US**: 25
- **UK**: 21
- **France**: 18
- **Canada**: 11
- **Germany**: 9
- **Sweden**: 9
- **Italy**: 8
- **Argentina**: 7
- **Switzerland**: 6
- **Australia**: 5
- **Spain**: 5
- **Austria**: 4
- **Mexico**: 4
- **Russian Federation**: 4
- **Belgium**: 3
- **Chile**: 3
- **New Zealand**: 3
- **Brazil**: 2
- **Colombia**: 2
- **Ireland**: 2
- **Bulgaria**: 1
- **Costa Rica**: 1
- **Denmark**: 1
- **Finland**: 1
- **Iran**: 1
- **Lebanon**: 1
- **Malaysia**: 1
- **Moldova**: 1
- **Norway**: 1
- **Philippines**: 1
- **Republic of Korea**: 1
- **Serbia**: 1
- **Singapore**: 1
- **Slovak Republic**: 1
- **South Africa**: 1
- **The Netherlands**: 1
- **Ukraine**: 1
- **Venezuela**: 1

**60%**
Statistics of ECT Cases
(as of 23/10/2019)

Top 19 Arbitrators by the Number of Appointments

<table>
<thead>
<tr>
<th>Name</th>
<th>Number of Appointments by States</th>
<th>Number of Appointments by Investors</th>
<th>Number of Appointments as a Chair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brigitte Stern</td>
<td>12</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>Gary Born</td>
<td>9</td>
<td></td>
<td>9</td>
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<tr>
<td>Vaughan Lowe</td>
<td>5</td>
<td>4</td>
<td></td>
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<tr>
<td>Pierre-Marie Dupuy</td>
<td>7</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Yves Fortier</td>
<td>3</td>
<td>4</td>
<td></td>
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<tr>
<td>Albert Jan Van den Berg</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Charles Poncet</td>
<td>6</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Doak Bishop</td>
<td>6</td>
<td>6</td>
<td></td>
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<tr>
<td>Francisco Orrego Vicuña</td>
<td>6</td>
<td>5</td>
<td></td>
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<tr>
<td>Piero Bernardini</td>
<td>2</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Charles Brower</td>
<td>5</td>
<td>5</td>
<td></td>
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<tr>
<td>Christopher Thomas</td>
<td>4</td>
<td>1</td>
<td></td>
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<tr>
<td>David Haigh</td>
<td>5</td>
<td>5</td>
<td></td>
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<tr>
<td>James Crawford</td>
<td>1</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Kaj Höber</td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Stanimir Alexandrov</td>
<td>4</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Toby Landau</td>
<td>4</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>V. V. Veeder</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>William Park</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>