

Appointing Authority
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Final Award

concerning the arbitration costs
of the Arbitral Tribunal
composed of

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*Arbitrator appointed by the
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*Arbitrator appointed by the
Czech Republic*

in the matter of
UNCITRAL ad hoc arbitration
in Paris
SCC No. 088/2004

Eastern Sugar B.V. (Netherlands)
a company incorporated in the
Kingdom of the Netherlands
Indumastraat 9-13
NL – 5753 RJ Deurne

the parent company of Eastern
Sugar Ceska Republika a.s.
*both herein referred to, individually
or collectively as appropriate
in the context, as Eastern Sugar
represented by:*

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The Czech Republic
Ministry of Finance of the Czech
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att. JUDr. Vaclav Rombald
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The Republic*

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concerning
Agreement on encouragement and reciprocal protection of investments between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic of April 29, 1991 (the BIT)

1.
On December 6, 2004, the Arbitral Tribunal received the file from the Appointing Authority.
2.
On May 3, 2005, the Arbitral Tribunal issued a Preliminary Award setting the seat of the arbitration in Paris, France.
3.
On March 27, 2007, the Arbitral Tribunal issued a Partial Award concerning all other questions in the arbitration except the arbitration costs.
4.
The present award is the Final Award in this arbitration concerning the arbitration costs only. The procedural history was set out in detail in the Partial Award of March 27, 2007.
5.
The Arbitration Costs (Arbitrators' fees at the agreed hourly rate, and expenses, using the exchange rates of March 26, 2007) are EUR 856,719.50.
6.
The Arbitral Tribunal adopts a "broad brush" costs-follow-the-outcome approach to the allocation of arbitration costs, which is what many arbitral tribunals do, no matter where they sit. This does not mean that the winner on balance takes all. On the contrary, it means that the costs must be borne in proportion to the outcome. The Arbitral Tribunal takes into account that the Czech Republic fails with its plea of lack of jurisdiction and its lack of its arbitrability defence and that the "high mark" of Eastern Sugar's claims, principal only, was EUR 109,078,000. It allocates 30% of the arbitration costs to the Czech Republic and 70% to Eastern Sugar.
7.
Consequently, Eastern Sugar shall reimburse to the Czech Republic 20% of the arbitration costs, that is EUR 171,343.90.
8.
Both sides made equal advances of EUR 500,000 plus CHF 20,000, each, totalling EUR 1,000,000, plus CHF 40,000. The EUR advance was put into an interest-bearing account which yielded EUR 22,854.93, bringing the total EUR advance up to EUR 1,022,854.930.
9.
The unused balance is EUR 166,135.43 plus CHF 40,000.
10.
The Parties shall receive equal reimbursement of half of the balance, thus EUR 83,067.71 plus CHF 20,000 each.

Based on the foregoing, the Arbitral Tribunal issues the following

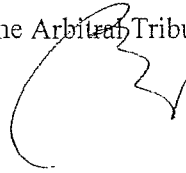
Final Award

1. The arbitration costs are EUR 856,719.50
2. Eastern Sugar shall reimburse to the Czech Republic EUR 171,343.90.
3. The Arbitral Tribunal shall reimburse each Party EUR 83,067.71 plus CHF 20,000.

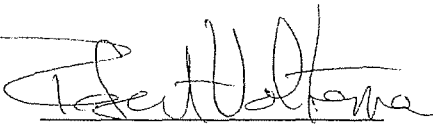
Seat of arbitration: Paris

Dated, **12. APR. 2007**

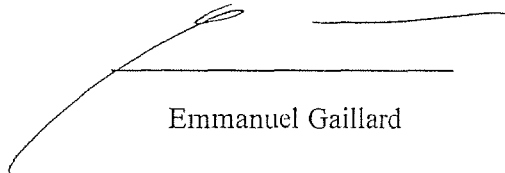
The Arbitral Tribunal:



Pierre A. Karrer



Robert Volterra



Emmanuel Gaillard