

Appointing Authority  
**Arbitration Institute of the Stockholm Chamber of Commerce**  
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# Final Award

concerning the arbitration costs  
of the Arbitral Tribunal  
composed of

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*Chairman appointed by the Arbitration  
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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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*herein occasionally referred to as  
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*represented by:*  
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*and*

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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.

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*Based on the foregoing, the Arbitral Tribunal issues the following*

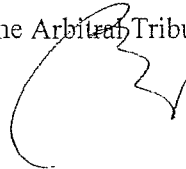
## Final Award

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

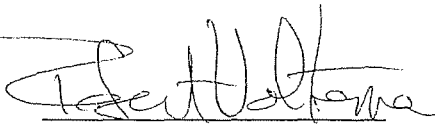
Dated, 12. APR. 2007

The Arbitral Tribunal:

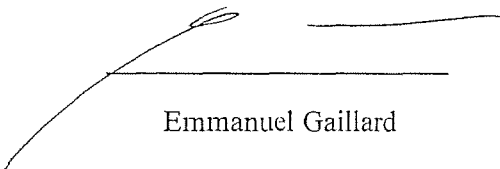


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Pierre A. Karrer



Robert Volterra



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Emmanuel Gaillard