

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Gabriel Resources Ltd. and Gabriel Resources (Jersey) Ltd.

v.

Romania

(ICSID Case No. ARB/15/31)

PROCEDURAL ORDER NO. 6

Members of the Tribunal

Ms. Teresa Cheng SC, President of the Tribunal

Prof. Horacio A. Grigera Naón, Arbitrator

Prof. Zachary Douglas QC, Arbitrator

Secretary of the Tribunal

Ms. Sara Marzal Yetano

August 29, 2017

Having considered:

- Procedural Order No. 3 dated November 14, 2016 (the “Confidentiality Order”).
- The submissions filed by the Parties on January 10 and 17, 2017 in relation to the designation of confidential information and documents.
- The Tribunal’s letter of May 10, 2017 in which the Tribunal provided its views and directions regarding the designation of confidential information and documents and invited the Parties to review their positions based on such directions and revert by June 1, 2017.
- The Parties’ communications of June 1, 2017 informing the Tribunal of the agreements reached with respect to the redaction of their submissions, Tribunal decisions and hearing transcript.
- The Tribunal’s letter of June 2, 2017 inviting Respondent to either (i) confirm that it no longer proposed to reclassify as non-confidential the remaining disputed confidentiality designations of witness statements and factual exhibits; or, if that was not the case, (ii) to set its arguments with regard to each one of them in the table included in Annex 1(B) of the Tribunal’s May 10, 2017 letter, no later than June 23, 2017.
- Respondent’s letter of June 23, 2017, in which it maintained its request that certain exhibits and portions of witness statements be reclassified as non-confidential and submitted a table providing the reasons on a document-by-document basis.
- Claimants’ letter of July 14, 2017, with which they submitted a table with their response to Respondent’s request to reclassify as non-confidential certain exhibits and portions of witness statements.

And having deliberated

The Arbitral Tribunal Hereby Orders as follow:

The Respondent’s request to reclassify certain factual exhibits and witness statements is decided as indicated in the “Tribunal’s Ruling” column in the Confidentiality Schedule attached as Annex A.

On behalf of the Tribunal,

Ms. Teresa Cheng SC
President of the Tribunal
Date: August 29, 2017

ANNEX A – Confidentiality Schedule

Second Category of Documents

Witness Statements, Expert Reports and Exhibits (PO3 Section 2.6)

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant’s Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party’s Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal’s Ruling
Claimants’ Exhibits					
1.	C-1: Agreement between the Government of Canada and the Government of Romania for the Promotion and Reciprocal Protection of Investments, done at Bucharest on May 8, 2009, entered into force on Nov. 23, 2011 (as corrected by an Exchange of Notes dated Apr. 12 and 29, 2011)	Entire document	First , this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is “(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure.” (<i>See</i> Respondent’s 10 January 2017 letter, p. 2, first para.) Second , this <u>document</u> is in the public domain. ¹	Claimants agree this exhibit is not confidential.	No order

¹ A number of the exhibits are legal texts such as the BITs or Romanian laws or regulations, all of which are in the public domain. In this regard, the Respondent notes the Tribunal’s statement that “[t]he existence of enforcement proceedings and the fact that RMGC risked paying interest and penalties are given facts as set out in the Romanian Fiscal Code. They are not confidential as they merely recite the plain wordings of the national law.” See Tribunal’s letter of 10 May 2017, para. 23(d).

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2.	C-2: Materials evidencing the Canadian BITs entry into force	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
3.	C-3: Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Romania for the Promotion and Reciprocal Protection of Investments, done at London on July 13, 1995, entered into force on Jan. 10, 1996, UK Treaty Series No. 84 (1996); Exchange of Notes relating to the UK BIT, UK Treaty Series No. 54 (1999), indicating that the UK BIT was extended to the Bailiwick of Jersey effective Mar. 22, 1999	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
4.	C-4: Materials evidencing the UK BITs entry into force dated 23 April 1995	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
5.	C-5: Gabriel's Consents and Authorizations to Commence Arbitration of Bilateral Investment Treaty Dispute dated 15 July 2015	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
6.	C-6: Gabriel Canada's Waiver in Support of Its Request for Arbitration dated 17 July 2015	Entire document	This document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it	Claimants agree this exhibit is not confidential.	No order

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
			is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (See Respondent's 10 January 2017 letter, p. 2, first para.)		
7.	C-7: Powers of Attorney Authorizing Gabriel's Counsel dated 15 July 2015	Entire document	<p>First, this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (See Respondent's 10 January 2017 letter, p. 2, first para.)</p> <p>Second, this <u>information</u> is in the public domain.</p>	Claimants agree this exhibit is not confidential.	No order
8.	C-8: Letter from Gabriel addressed to the President of Romania and to the Prime Minister of Romania dated 20 January 2015	Entire document	See reasons provided for Item 7 above.	Claimants agree this exhibit is not confidential.	No order
9.	C-9: Letter from Gabriel addressed to the President of Romania and to the	Entire document	See reasons provided for Item 7 above.	Claimants agree this exhibit is not confidential.	No order

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	Prime Minister of Romania dated and delivered on Apr. 22, 2015				
10.	C-10: Government Decision No. 781/2002 on the Protection of Work Secret Information, published in Official Gazette Part I, No. 575, dated Aug. 5, 2002	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
11.	C-11: Mining Law No. 85/2003, published in Official Gazette Part I, No. 197, dated Mar. 27, 2003	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
12.	C-12: Government Decision No. 1208/2003 for the Approval of the Norms for the Implementation of the Mining Law No. 85/2003, published in Official Gazette Part I, No. 772, dated Nov. 4, 2003	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
13.	C-13: NAMR Order No. 202/2003 Approving the List of Classified Information (Work Secret) within NAMR dated Nov. 14, 2003	Entire document	<i>See</i> reasons provided for Item 7 above.	Claimants agree this exhibit is not confidential.	No order
14.	C-14: Government Decision No. 585/2002 for the Approval of the National Standards for the Protection of Classified Information in Romania, published in Official Gazette Part I,	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order

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	No. 485, dated July 5, 2002, as last consolidated on 24 March 2005				
15.	C-15: NAMR Letter No. 1462 to RMGC dated 8 August 2008	Entire document	<p><i>See</i> reasons provided for Item 6 above.</p> <p>Furthermore, we note the Tribunal's inclination to find that this exhibit and other "correspondence and meeting minutes related to the declassification of Documents" is not confidential (Tribunal's letter of 10 May 2017, p. 7)</p>	<p>Claimants do not object to Respondent's view.</p> <p>However, this document does not relate to the recent declassification of Documents.</p>	Not Confidential
16.	C-16: NAMR Letter No. 2633 to RMGC dated 30 September 2010	Entire document	<p><i>See</i> reasons provided for Item 15 above.</p>	<p>Claimants do not object to Respondent's view.</p> <p>However, this document does not relate to the recent declassification of Documents.</p>	Not Confidential
17.	C-17: NAMR Letter No. 5586 to RMGC dated 1 November 2012	Entire document	<p><i>See</i> reasons provided for Item 15 above.</p>	<p>Claimants do not object to Respondent's view.</p> <p>However, this document does not relate to the recent declassification of Documents.</p>	Not Confidential

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18.	C-18: NAMR Order No. 2/2013 on the Amendment of the Annex to Order No. 202/2003 Approving the List of Classified Information (Work Secret) within NAMR and the Declassification of Documents Eliminated from the Initial List dated Jan. 8, 2013	Entire document	<p><i>See</i> reasons provided for Item 7 above.</p> <p>Furthermore, we note the Tribunal's inclination to find that another NAMR Order relating to the declassification of documents (Exhibit R-15) is not confidential. (Tribunal's letter of 10 May 2017, p. 7)</p>	Claimants agree this exhibit is not confidential.	No order
19.	C-19: NAMR Permit for Temporary Access to Work Secret Information dated 17 June 2014	Entire document	<i>See</i> reasons provided for Item 15 above.	<p>Claimants do not object to Respondent's view with regard to the document generally, but propose to resubmit the exhibit with confidential information in the document redacted, including [REDACTED] passport number.</p> <p>Claimants also note that this document does not relate to the recent declassification of Documents.</p>	The document is not confidential but the information identified by the Claimants in their response shall be redacted

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20.	C-20 (resubmitted): Updated RMGC Registry dated 22 July 2016	Entire document	<p>First, this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (<i>See</i> Respondent's 10 January 2017 letter, p. 2, first para.)</p> <p>Second, the Parties had agreed that information relating to the Claimant's First Request for Provisional Measures was not confidential (<i>See</i> Respondent's 10 January 2017 letter, p. 1, second para.)</p> <p>Third, we note the Tribunal's inclination to find that the Storage Contract is not confidential and this exhibit is an annex to the Storage Contract. (Tribunal's letter of 10 May 2017, p. 7)</p>	Claimants do not object to Respondent's view.	Not Confidential

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21.	C-21: Addendum No. 2 to Contract No. 27 for the Preservation, Storage and Protection of Data and information Included in the National Geologic Fund and/or the National Fund of Mineral Resources / Reserves dated May 8, 2015	Entire document	<p>First, this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (<i>See Respondent's 10 January 2017 letter, p. 2, first para.</i>)</p> <p>Second, the Parties had agreed that information relating to the Claimant's First Request for Provisional Measures was not confidential (<i>See Respondent's 10 January 2017 letter, p. 1, second para.</i>)</p> <p>Third, we note the Tribunal's inclination to find that this document is not confidential.</p>	Claimants do not object to Respondent's view.	Not Confidential
22.	C-22: Letter from Gabriel Resources Ltd. to NAMR dated 2 October 2015	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential

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23.	C-23: Letter from RMGC to NAMR dated 30 October 2015	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
24.	C-24: Law No. 182/2002 on the Protection of Classified Information, published in Official Gazette Part I, No. 248, dated Apr. 12, 2002, as last consolidated Feb. 18, 2016	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
25.	C-25: Government Decision No. 1349/2002 on the Collection, Transportation, Distribution and Protection of Classified Correspondence on Romanian Territory, published in Official Gazette Part I, No. 909, dated Dec. 13, 2002, as last consolidated on Feb. 22, 2016	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
26.	C-27: RMGC - Press Release	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
27.	C-28: Law No. 207/2015 on the Tax Procedure Code, published in the Official Gazette Part I, No. 547, as last consolidated on July 14, 2016	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
28.	C-28 (as resubmitted): Law No. 207/2015 on the Tax Procedure Code, published in the Official Gazette Part I,	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order

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	No. 547, as last consolidated on July 14, 2016				
29.	C-33: Letter from Respondent's counsel to ICSID Secretariat dated 25 October 2015	Entire document	<i>See</i> reasons provided for Item 7 above. Furthermore, we note the Tribunal's inclination to find that this document is not confidential. (Tribunal's letter of 10 May 2017, p. 7)	Claimants agree this exhibit is not confidential.	No order
30.	C-45: Law No. 85/2014 on Insolvency Prevention Measures and Insolvency, published in the Official Gazette Part I, No. 466, as last consolidated on July 14, 2016	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
31.	C-50: "Discretion and Its Limits in Tax Law", by Tanți Anghel, Consultant Fiscal journal edited by the Romanian Fiscal Consultants Chamber, Year VIII. n. 49, Mar./Apr. 2016	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
32.	C-51: Excerpts of Romanian Constitution	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
33.	C-52: Excerpts of Law No. 24/2000 on the Rules of Legislative Drafting	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order

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34.	C-53: NAMR Order No. 80/2004 to change the classification of class of certain information rated state secret	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
35.	C-54: NAMR Letter No. 2010 to Romanian Parliament dated 14 September 2007	Entire document	<i>See</i> reasons provided for Item 7 above. Furthermore, we note the Tribunal's inclination to find that this document is not confidential. (Tribunal's letter of 10 May 2017, p. 7)	Claimants do not object to Respondent's view. Claimants also note that this document does not relate to the recent declassification of Documents.	Not Confidential
36.	C-55: RMGC Letter No. 54042 to Minvest dated 6 October 2015	Entire document	<i>See</i> reasons provided for Item 21 above.	Claimants do not object to Respondent's view.	Not Confidential
37.	C-57: Rosiamin S.A. Letter No. 346 to RMGC dated 9 October 2015	Entire document	<i>See</i> reasons provided for Item 21 above.	Claimants do not object to Respondent's view.	Not Confidential
38.	C-60: NAMR Letter No. 6471 to RMGC dated 23 June 2016	Entire document	First , this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (<i>See</i> Respondent's 10 January 2017 letter, p. 2, first para.)	Claimants do not object to Respondent's view.	Not Confidential

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			<p>Second, the Parties had agreed that information relating to the Claimant's First Request for Provisional Measures was not confidential (<i>See Respondent's 10 January 2017 letter, p. 1, second para.</i>)</p> <p>Third, we note the Tribunal's inclination to find that correspondence, such as this document, relating to the declassification of documents as well as the Storage Contract are not confidential (Tribunal's letter of 10 May 2017, p. 7).</p>		
39.	C-61: NAMR Letter No. 7283 to RMGC dated 14 July 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
40.	C-62: RMGC Letter No. 56623 to NAMR submitting the updated list of classified documents held by RMGC dated 21 July 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
41.	C-63: NAMR Letter No. 7610 to RMGC dated 22 July 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential

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42.	C-64: NAMR Letter No. 7611 to RMGC dated 22 July 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
43.	C-65: RMGC Letter No. 56646 to NAMR dated 26 July 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
44.	C-66: NAMR Letter No. 7783 to RMGC dated 28 July 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
45.	C-67: NAMR Letter No. 7808 to RMGC dated 29 July 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
46.	C-68: NAMR Order No. 155 of 29 July 2016 with cover letter NAMR Letter No. 7864 dated 1 August 2016	Entire document	<p>First, this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (<i>See</i> Respondent's 10 January 2017 letter, p. 2, first para.)</p> <p>Second, the Parties had agreed that information relating to the Claimant's First Request for Provisional Measures was not confidential (<i>See</i> Respondent's 10</p>	Claimants do not object to Respondent's view.	Not Confidential

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			<p>January 2017 letter, p. 1, second para.)</p> <p>Third, we note the Tribunal's inclination to find that Exhibit R-15, which contains the same NAMR Order, is not confidential (Tribunal's letter of 10 May 2017, p. 7).</p>		
47.	C-69: RMGC Letter No. 56732 to NAMR dated 4 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
48.	C-70: RMGC Letter No. 56733 to NAMR dated 4 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
49.	C-71: NAMR Letter No. 8001 to RMGC dated 4 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
50.	C-72: NAMR Letter No. 8002 to RMGC dated 4 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
51.	C-73: NAMR Letter No. 8003 to RMGC dated 4 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
52.	C-74: RMGC Decision No. 56742 regarding declassification dated 5 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
53.	C-75: RMGC Letter No. 56758 to Mininvest dated 9 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential

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54.	C-76: RMGC Letter No. 56777 to NAMR attaching list of documents classified by RMGC dated 11 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
55.	C-77: RMGC Letter No. 56778 to NAMR attaching lists of documents classified by Cepromin, Minvest, and Ipromin dated 11 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
56.	C-78: RMGC Letter No. 56779 to NAMR dated 11 August 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
57.	C-80: RMGC Classified Information Registry as of July 2016 color-coded color-coded to show declassification status	Entire document	<p>First, this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (<i>See</i> Respondent's 10 January 2017 letter, p. 2, first para.)</p> <p>Second, the Parties had agreed that information relating to the Claimant's First Request for Provisional Measures was not</p>	Claimants do not object to Respondent's view.	Not Confidential

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			<p>confidential (<i>See</i> Respondent's 10 January 2017 letter, p. 1, second para.)</p> <p>Third, we note the Tribunal's inclination to find that the Storage Contract and its amendments are not confidential. (Tribunal's letter of 10 May 2017, p. 7) This document is an annotated version of the annex to the Storage Contract.</p>		
58.	C-81: RMGC Letter No. 56647 to NAMR dated 26 July 2016	Entire document	<i>See</i> reasons provided for Item 38 above.	Claimants do not object to Respondent's view.	Not Confidential
59.	C-84: Excerpts of Law 31/1990, as amended	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
60.	C-85: Denmark-Russia BIT dated 4 December 1997	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
61.	C-88: RMGC Extraordinary General Meeting of Shareholders Resolution dated 13 December 2004	Entire document	First , this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (<i>See</i>	Claimants agree this exhibit is not confidential.	No order

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			<p><i>Respondent's</i> 10 January 2017 letter, p. 2, first para.)</p> <p>Second, this document is in the public domain.</p> <p>Pursuant to Romanian corporate law (Law No. 31/1990), this resolution was published in the Official Gazette.²</p>		
62.	C-89: RMGC Extraordinary General Meeting of Shareholders Resolution dated 16 October 2009	Entire document	First , this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (<i>See Respondent's</i> 10 January 2017 letter, p. 2, first para.)	Claimants agree this exhibit is not confidential.	No order

² **Article 211** of Law 31/1990 (as in force in December 2004 and abrogated in June 2007) provided: "The decision of the general assembly to increase the registered capital **shall be published** in the Official Gazette of Romania, Part IV, granting a period of at least one month for the priority right to be exercised starting from the publication day." (emphasis added)

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			<p>Second, this document is in the public domain.</p> <p>Pursuant to Romanian corporate law (Law No. 31/1990), this resolution was published in the Official Gazette.³</p>		
63.	C-91: Loan Agreement between Gabriel Jersey and Minvest dated 16 December 2009	Entire document	<p><i>See</i> reasons provided for Item 1 above.</p> <p>This document is publicly available at:</p> <p>https://www.scribd.com/document/164666016/Contract-Imprumut-Gabrielresources-Minvest</p>	<p>Claimants agree this exhibit is not confidential because it was submitted to the Romanian Trade Registry and thus is in the public domain.</p> <p>The re-publication of this document on the scribd website is not relevant to this conclusion.</p>	No order
64.	C-92: RMGC Extraordinary General Meeting of Shareholders Resolution No. 1 dated 13 October 2011	Entire document	<i>See</i> reasons provided for Item 62 above.	Claimants agree this exhibit is not confidential.	No order

³ **Article 131 (4)** of Law 31/1990 (as in force as of November 2006) provided: "In order to be opposable to third parties, the decisions of the general assembly shall be filed within 15 days at the trade register office in order to be mentioned in the register and published in the Official Gazette of Romania, Part IV." (emphasis added)

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
65.	C-93: RMGC Extraordinary General Meeting of Shareholders Resolution No. 1 dated 6 September 2012	Entire document	<i>See</i> reasons provided for Item 62 above.	Claimants agree this exhibit is not confidential.	No order
66.	C-94: Substantiation Note to Government Decision 275/2013 dated 15 May 2013	Entire document	<i>See</i> reasons provided for Item 1 above. This document is publicly available at: http://arhiva.gov.ro/nota-de-fundamentare-hg-nr-275-15-05-2013_11a120201.html	Claimants agree this exhibit is not confidential.	No order
67.	C-95: Government Decision 275/2013 on the Approval of Measures for the Reorganization by Partial Division of the National Company of Copper, Gold and Iron "Minvest" - S.A. Deva and on the Establishment of "Minvest Roşia Montană" - S.A. dated 29 May 2013	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
68.	C-96: Government Emergency Ordinance No. 74/2013 on Certain Measures on the Improvement and Reorganization of the Activity of ANAF dated 29 June 2013	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
69.	C-98: Senate Letter No. L.475/2013 to Chamber of Deputies dated 19 October 2013	Entire document	<p>See reasons provided for Item 1 above.</p> <p>This document is publicly available at:</p> <p>https://www.senat.ro/legis/PDF/2013/13L475AM.pdf</p>	Claimants agree this exhibit is not confidential.	No order
70.	C-99: ██████████ ██████████ ██████████	Entire document	See reasons provided for Item 7 above.	<p>Claimants disagree and consider this document to be confidential.</p> <p>First, this document contains “confidential business information” under Article 1.1 of PO3. (See Claimants’ 10 January 2017 letter, p. 3, paras. 1-2; Claimants’ 17 January 2017 letter, pp. 6-7.)</p> <p>Second, such information is “sensitive in the commercial context.” (See Tribunal’s 10 May 2017 letter, para. 21.)</p>	Confidentiality maintained. Document contains confidential business information and hence within Article 1.1 of PO3

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				<p>Third, we note the Tribunal's inclination to find that similar correspondence [REDACTED] [REDACTED] [REDACTED] [REDACTED] needs to be confidential. (See Tribunal's letter of 10 May 2017, p. 7 (citing C-97, C-103, and C-113).)</p>	
71.	<p>C-100: [REDACTED] [REDACTED] [REDACTED]</p>	Entire document	See reasons provided for Item 7 above.	<p>Claimants disagree and consider this document to be confidential.</p> <p>See reasons provided for Item 70 above.</p>	Confidentiality maintained. Document contains confidential business information and hence within Article 1.1 of PO3
72.	<p>C-101: [REDACTED] [REDACTED] [REDACTED]</p>	Entire document	See reasons provided for Item 7 above.	<p>Claimants disagree and consider this document to be confidential.</p>	Confidentiality maintained. Document

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
				See reasons provided for Item 70 above.	contains confidential business information and hence within Article 1.1 of PO3
73.	C-102: RMGC Extraordinary General Meeting of Shareholders Resolution dated 30 December 2013	Entire document	See reasons provided for Item 62 above.	Claimants agree this exhibit is not confidential.	No order
74.	C-104: Agreement for the free assignment of a share stake in Roşia Montană Gold Corporation S.A. dated 17 January 2014	Entire document	See reasons provided for Item 7 above.	Claimants agree this exhibit is not confidential because it was submitted to the Romanian Trade Registry and thus is in the public domain.	No order
75.	C-108: Chamber of Deputies Letter to Senate dated 4 June 2014	Entire document	See reasons provided for Item 1 above. This document is available at: https://www.senat.ro/legis/PDF/2013/13L475ARD.pdf	Claimants agree this exhibit is not confidential.	No order

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
79.	C-114: ██████████ ██████████ ██████████	Entire document	See reasons provided for Item 7 above.	<p>Claimants disagree and consider this document to be confidential.</p> <p>See reasons provided for Item 70 above.</p>	Confidentiality maintained. Document contains confidential business information and hence within Article 1.1 of PO3
80.	C-115: RMGC Convening Notice for the Extraordinary General Meeting of Shareholders dated 7 September 2015	Entire document	<p>First, this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (See Respondent's 10 January 2017 letter, p. 2, first para.)</p> <p>Second, this document is in the public domain.</p>	Claimants agree this exhibit is not confidential.	No order

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
			Pursuant to Romanian corporate law (Law No. 31/1990), this convening notice was published in the Official Gazette. ⁴		
81.	C-118: RMGC Extraordinary General Meeting of Shareholders Resolution No. 2 dated 8 October 2015	Entire document	<i>See</i> reasons provided for Item 62 above.	Claimants agree this exhibit is not confidential.	No order
82.	C-119: RMGC Trade Registry History dated 12 February 2016	Entire document	<p>First, this document does not fall within one of the three categories set out in Article 1.1 of PO3, namely, that it is "(i) confidential business information, (ii) information that is privileged, or (iii) information that is otherwise protected from disclosure." (<i>See</i> Respondent's 10 January 2017 letter, p. 2, first para.)</p> <p>Second, this <u>document</u> is in the public domain.⁵</p>	Claimants agree this exhibit is not confidential.	No order

⁴ **Article 117(3)** of Law 31/1990 provides: "**The Convening note shall be published in the Official Gazette** of Romania, Part IV, and in **one widely circulated newspaper** in the locality of the company's registered office or in the nearest locality." (emphasis added)

⁵ **Article 4** of Law 26/1990 provides: "(1)**The trade registry is public.** (2) The trade registry office is obliged to issue, on the applicant's expense who filed the request, information, excerpts from register and certified copies of registrations carried on in the register, as well as certificates ascertaining that certain deeds or facts are or are not registered, copies and

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83.	C-125: RMGC Trade Registry excerpt dated 16 August 2016	Entire document	<i>See</i> reasons provided for Item 82 above.	Claimants agree this exhibit is not confidential.	No order
Respondent's Exhibits					
84.	R-1: Letter from NAMR to Romanian Parliament 14 September 2007	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants do not object to Respondent's view. However, this document does not relate to the recent declassification of Documents.	Not Confidential
85.	R-2: Letter from NAMR to Gabriel and RMGC 18 September 2007	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants do not object to Respondent's view. However, this document does not relate to the recent declassification of Documents.	Not Confidential
86.	R-3: Letter from Gabriel and RMGC to NAMR 27 November 2007	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants do not object to Respondent's view.	Not Confidential

certified copies of the registrations carried on in the register and of presented documents, for which fees are charged. (3) The deeds mentioned at paragraph (2) can be required and delivered by correspondence as well. (4) Upon request, the documents mentioned in paragraph (1) are issued electronically, with on-line transmission, having incorporated, attached or logically associated with the extended electronic signature. (5) The fees charged for the issuance of the copies and/or information, irrespective of the mode of supply, will not exceed the administrative costs involved in their issuance.”

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
				However, this document does not relate to the recent declassification of Documents.	
87.	R-4: Letter from NAMR to RMGC 23 June 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
88.	R-5: Letter from NAMR to RMGC 14 July 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
89.	R-6: Letter from RMGC to NAMR 22 July 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
90.	R-7: Updated RMGC Registry of documents relating solely to the Rosia Montana License 22 July 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
91.	R-8: Letter from NAMR to RMGC 22 July 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
92.	R-9: Letter from NAMR to RMGC 22 July 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
93.	R-10: Letter from RMGC to NAMR 26 July 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
94.	R-11: Letter from RMGC to NAMR 26 July 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
95.	R-12: Letter from NAMR to RMGC 29 July 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
96.	R-13: Letter from NAMR to Cepromin 28 July 2016	Entire document	See reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
97.	R-14: Letter from Cepromin to NAMR 2 August 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
98.	R-15: NAMR Order regarding the declassification of work secret documents relating to the Rosia Montana License 29 July 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
99.	R-16: Letter from NAMR to RMGC 1 August 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
100.	R-17: Excerpt from Regulation regarding the drafting of regulatory acts 10 May 2009	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
101.	R-18: Excerpt from Decision no. 1361 regarding the substantiation of legislative acts 27 September 2006	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
102.	R-19: Excerpt from Law No. 24 regarding the drafting of legislation 27 March 2000	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
103.	R-20: Gabriel Resources, Management's discussion and analysis-Second Quarter 2016"	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
104.	R-24: Gabriel Resources, "Management's discussion and analysis -Fourth Quarter 2015"	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
105.	R-25: Gabriel Resources, "Management's discussion and analysis -First Quarter 2015"	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
106.	R-27: RMGC Trade Registry excerpt 16 August 2016	Entire document	<i>See</i> reasons provided for Item 82 above.	Claimants agree this exhibit is not confidential.	No order
107.	R-28: RMGC Trade Registry History 12 February 2016	Entire document	<i>See</i> reasons provided for Item 82 above.	Claimants agree this exhibit is not confidential.	No order
108.	R-29: Emergency ordinance no. 74 regarding ANAF 26 June 2013	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
109.	R-32: Work Order regarding fiscal inspection of RMGC 11 March 2016	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
110.	R-33: Tax Procedure Code	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
111.	R-34: Law no. 571 of 22 December 2003	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
112.	R-36: Excerpt from Order no. 3699 to approve the procedure for the settlement of the returns with a negative VAT amount with refund option 17 December 2015	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
113.	R-39: Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
114.	R-40: Government Decision no. 520 on organization and functioning of ANAF 24 July 2013	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
115.	R-41: Excerpts from Law 554 of 2 December 2004 on contentious administrative matters	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
116.	R-42: Letter from NAMR to RMGC 23 August 2016	Entire document	<i>See</i> reasons provided for Item 21 above.	Claimants do not object to Respondent's view.	Not Confidential
117.	R-43: Storage Contract 12 May 2005	Entire document	<i>See</i> reasons provided for Item 21 above.	Claimants do not object to Respondent's view.	Not Confidential
118.	R-44: Storage Contract, Addendum 1 17 May 2010	Entire document	<i>See</i> reasons provided for Item 21 above.	Claimants do not object to Respondent's view.	Not Confidential
119.	R-45: Storage Contract, Addendum 2 8 May 2015	Entire document	<i>See</i> reasons provided for Item 21 above.	Claimants do not object to Respondent's view.	Not Confidential
120.	R-46: Minvest Protocol No. 1988 25 August 2016	Entire document	<i>See</i> reasons provided for Item 21 above.	Claimants do not object to Respondent's view.	Not Confidential
121.	R-48: Print-out regarding decision 1009/2015, Alba Tribunal 23 December 2015	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
122.	R-49: Print-out regarding decision 82/2016, Alba Tribunal 2 February 2016	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
123.	R-50: Print-out regarding decision 456/2016, Alba Tribunal 27 June 2016	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order

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124.	R-51: Print-out regarding decision 478/2016, Alba tribunal 16 August 2016	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
125.	R-52: Excerpts from the Civil Procedure Code	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
126.	R-53: Excerpts from Law No. 188 on the statute of civil servants 8 December 1999	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
127.	R-54: Excerpts from the Criminal Code 17 September 2009	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
128.	R-55: Romanian Constitution as amended in 2003	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
129.	R-56: Excerpt from Criminal Procedure Code	Entire document	<i>See</i> reasons provided for Item 1 above.	Claimants agree this exhibit is not confidential.	No order
130.	R-57: Letter from Ipromin to NAMR 24 August 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
131.	R-58: Letter from RMGC to NAMR (extracted from Annex A to Claimants' letter to Tribunal dated 16 September 2016) 13 09 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
132.	R-61: Letter from NAMR to RMGC regarding copies of documents in Registry 16 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
133.	R-62: Letter from NAMR to Cepromin regarding de-classification 19 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
134.	R-63: Letter from NAMR to Ipromin regarding declassification 19 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
135.	R-64: Letter from NAMR to RMGC regarding declassification of Bucium License 19 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
136.	R-65: NAMR Order No. 223 regarding the declassification of the Bucium License (Annex A to the Claimants' letter to the Tribunal dated 22 September 2016) 19 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
137.	R-66: NAMR Order No. 224 on the declassification of documents regarding Bucium and Roşia Montană Licences (Annex B to the Claimants' letter to the Tribunal dated 22 September 2016) 20 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
138.	R-67: Letter from NAMR to RMGC regarding declassification of Bucium and Roşia Montană Licences 20 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
139.	R-68: Letter from NAMR to IPROMIN regarding declassification of documents relating to the Bucium License 21 June 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
140.	R-69: Letter from NAMR to MINEXFOR regarding declassification of documents relating to the Bucium License 21 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
141.	R-70: Letter from NAMR to Mineral Resources Department regarding declassification of documents relating to the Bucium License 21 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
142.	R-71: Letter from NAMR to MINVEST regarding declassification of documents relating to the Bucium License 21 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
143.	R-72: Letter from NAMR to RMGC regarding declassification of documents relating to the Bucium License (Annex C to the Claimants' letter to the Tribunal dated 22 September 2016) 21 September 2016	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential
144.	R-73: Letter from RMGC to NAMR regarding declassification order	Entire document	<i>See</i> reasons provided for Item 15 above.	Claimants do not object to Respondent's view.	Not Confidential

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	relating to the Bucium License 21 September 2016				
Witness Statement of Dragos Tanase					
145.	Para. 1. [Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]



Item No.	Document	Proposed no-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
			[REDACTED]		
146.	Para. 2. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
147.	Para. 3. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
148.	<p>Para. 4. [Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]
149.	<p>Para. 6. [Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[Redacted]		[Redacted]		
150.	<p>Para. 22.</p> <p>[Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]

Item No.	Document	Proposed no-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[REDACTED]				
151.	Para. 23. [REDACTED] [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]


Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
			<p>[REDACTED]</p> <p>[REDACTED]</p>		
152.	<p>Para. 24. [REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p>

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
					

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
				[REDACTED]	
153.	<p>Para. 26. [REDACTED]</p>	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	[REDACTED]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[Redacted]				
154.	Para. 27. [Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
155.	Para. 28. [Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]



Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[REDACTED]				
156.	Para. 29. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
					

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[Redacted]				
157.	<p>Para. 30. [Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]
158.	<p>Para. 31. [Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[REDACTED]				
159.	Para. 32. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	<p>[REDACTED]</p>		<p>[REDACTED]</p>	<p>[REDACTED]</p>	

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
					

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
				[REDACTED]	
Witness Statement of Max Vaughan					
161.	Para. 1. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[REDACTED]		[REDACTED]		
162.	Para. 2. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
163.	Para. 3. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Item No.	Document	Proposed no-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[Redacted]				
164.	Para. 4. [Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]




Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
165.	<p>Para. 5. [Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
				[Redacted]	
166.	<p>Para. 6. [Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
			[REDACTED]		
167.	<p>Para. 7. [REDACTED]</p>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]




Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[Redacted]				
168.	<p>Para. 8.</p> <p>[Redacted]</p>	[Redacted]	[Redacted]	<p>[Redacted]</p> <p>[Redacted]</p>	[Redacted]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[Redacted]			[Redacted]	
169.	Para. 9. [Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
					

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
170.	<p>Para. 11. [Redacted]</p>	<p>[Redacted]</p>	<p>[Redacted]</p>	<p>[Redacted]</p>	<p>[Redacted]</p>

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
				<p>[REDACTED]</p> <p>[REDACTED]</p>	
171.	<p>Para. 13. [REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>
172.	<p>Para. 14. [REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
					

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
				[REDACTED]	
173.	Para. 15. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
174.	Para. 17. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Witness Statement of Petre-Dragoş Voinescu					
175.	Para 1. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
176.	Para 4. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
177.	Para 5. [Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
178.	Para 6. [Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
179.	Para 7. [Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
180.	<p>Para 8. [Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]
181.	<p>Para 9. [Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]
182.	<p>Para 10. [Redacted]</p>	[Redacted]	[Redacted]	[Redacted]	[Redacted]

Item No.	Document	Proposed non-confidentiality (Page and paragraph numbers, Phrases to be included if appropriate)	Applicant's Reasons (Reference to page and paragraphs in 10 January and 17 January letters only)	Responding Party's Response (Reference to page and paragraphs in 10 January and 17 January letters only)	Tribunal's Ruling
	[REDACTED]				