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COUR PERMANENTE D'ARBITRAGE



PERMANENT COURT OF ARBITRATION

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5 May 2015

RE: ARBITRATION BETWEEN THE REPUBLIC OF CROATIA AND THE REPUBLIC OF SLOVENIA

Dear Agents,

I write on behalf of the Tribunal to acknowledge receipt of Croatia's letter of 30 April 2015 and Slovenia's letter of 1 May 2015.

The Tribunal is seriously concerned by the suggestion that one Party would have been privy to confidential information related to the Tribunal's deliberations. The Tribunal considers that such a meaning could be attributed to statements by the Slovenian Foreign Minister, and takes the view that such statements are unhelpful for the resolution of the present dispute.

In this regard, the Tribunal welcomes both Parties' unconditional acknowledgment of their obligations pursuant to Article 10(1) of the Arbitration Agreement. Accordingly, the Tribunal does not consider it necessary to make any specific order in this regard. The Tribunal however recalls the duty, incumbent on the arbitrators and the Parties' representatives alike, in Section 9.1 of the Terms of Appointment that "[t]he Parties shall not engage in any oral or written communications with any member of the Arbitral Tribunal ex parte in connection with the subject matter of the arbitration or any procedural issues that are related to the proceedings".

To the Tribunal, safeguarding the confidentiality of the deliberations until the issuance of an award is a matter of highest priority. While the Tribunal takes note of Slovenia's assurance that it has not received any information whatsoever as to any aspect of the outcome of the arbitration, the Tribunal has nonetheless examined the arrangements that it has put in place to ensure that no confidential information may be disclosed.

The Tribunal has also requested the PCA, serving as registry, to review the processes that it has put in place to protect confidential information and has found these to be satisfactory. In particular, access to electronic documents that contain elements of the Tribunal's deliberations is restricted to a small group of PCA staff with direct involvement in the case.

The Tribunal is therefore confident that no information about the likely outcome of any aspect of the arbitration has been disclosed. The Tribunal and the PCA shall continue treating information relating to the Tribunal's deliberations with the greatest care.

Yours sincerely,



Dirk Pulkowski

Senior Legal Counsel
-Registrar-

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