

Chairman of Civil Section 1

Having seen the implicit referral from the Presiding Judge of the Rome Court of Appeal regarding the ruling of 13.12.2017;

Having read the appeal lodged on 11.12.2017 by **Anatolie Stati on his own behalf and as legal representative of Ascom Group S.A. a company constituted under Moldovan law**, and **Gabriel Stati**, and **Terra Raf Trans Traiding Ltd, a company constituted under the law of Gibraltar and based there, in the person of Anatolie Stati as director**, seeking the declaration of validity within Italy of the arbitration award of 19.12.2013, inclusive of the Addendum of the Stockholm Chamber of Commerce, it falling within the institutions covered by art. 26.4c of the EC Treaty – Energy Charter Treaty, signed by the Republic of Kazakhstan on 17.12.1993 (Exhibit 1 bis);

Having noted that:

the award was made following the hearing with today's appellants and **the Republic of Kazakhstan**;

in making this award the arbitrators determined that the Republic of Kazakhstan should pay the plaintiffs the sum of US\$ 497,685,101 plus interest and procedural incidentals;

the basis for the ruling was the violation by the respondent state of its obligations deriving from the Energy Charter Treaty in relation to the plaintiffs' investments;

the appeal against the award lodged by the Republic of Kazakhstan with the SVEA Court of Appeal in Stockholm was dismissed with the ruling on 9.12.2016 (Exhibits 5 bis and 5 ter) and that even the appeal

on the grounds of serious procedural deficiencies as claimed by the Republic of Kazakhstan was likewise dismissed in the ruling of Sweden's Supreme Court on 24.10.2017 (Exhibit 7 bis);

Having accepted the jurisdiction of the President Judge of the Rome Court of Appeal pursuant to art. 839 paragraph 1 sub-section 2 of the Italian Civil Procedural Code in that all parties to the arbitration are based outside Italy;

Having noted that the award was submitted in the original together with apostille and translation (Exhibit 2 bis);

Deeming nonetheless necessary, for the purposes of a determination on the grounds for the appeal, that certified copies of the SVEA Court of Appeal and Swedish Supreme Court rulings be submitted in evidence, both submitted as simple copies and not signed (apparently not even electronically);

THEREFORE

Having read art. 839 of the Italian Civil Procedural Code:

invites the appellants to submit an authenticated copy of the ruling of 9.12.2016 issued by the SVEA Court of Appeal in Stockholm, as well as the ruling issued by the Swedish Supreme Court on 24.10.2017 as detailed in the grounds for the appeal; judgment reserved pending outcome.

For publication.

Rome, 23.01.2018

Presiding Judge

Dott. Gianna Maria Zannella

[Signature]

[Stamp – Deposited in Chancery

Today 23 January 2018

Court official

Liana de Robertis]

[Signature]

[Stamp - STANDARD COURT FEE]

r.g. file 8412/2017

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Having read the appeal lodged on 11.12.2017 by **Anatolie Stati on his own behalf and as legal representative of Ascom Group S.A. a company constituted under Moldovan law**, and **Gabriel Stati**, and **Terra Raf Trans Traiding Ltd, a company constituted under the law of Gibraltar and based there, in the person of Anatolie Stati as director**, seeking the declaration of validity within Italy of the arbitration award of 19.12.2013, inclusive of the Addendum of the Stockholm Chamber of Commerce, it falling within the institutions covered by art. 26.4c of the EC Treaty – Energy Charter Treaty, signed by the Republic of Kazakhstan on 17.12.1993 (Exhibit 1 bis);

Having noted that:

the award was made following the hearing with today's appellants and **the Republic of Kazakhstan**;

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on the grounds of serious procedural deficiencies as claimed by the Republic of Kazakhstan was likewise dismissed in the ruling of Sweden's Supreme Court on 24.10.2017 (Exhibit 7 bis);

the award was submitted in the original together with apostille and translation (Exhibit 2 bis);

on 26.01.2018 the appellants submitted authenticated copy both above-mentioned SVEA Court of Appeal ruling and that of the Swedish Supreme Court; in confirmation of the award's validity;

Having accepted the jurisdiction of the President Judge of the Rome Court of Appeal pursuant to art. 839 paragraph 1 sub-section 2 of the Italian Civil Procedural Code in that all parties to the arbitration are based outside Italy;

Deeming that in Italian law the dispute could be resolved through settlement and that the award does not contain any provisions contrary to public order, having ruled on the failure by the Republic of Kazakhstan to fulfil its obligations as per the above-mentioned treaty regarding investments made by the plaintiffs in the energy sector as detailed in the award;

THEREFORE

Having read art. 839 of the Italian Civil Procedural Code,

Endorses the executive efficacy within Italy of the arbitral award of 19.12.2013, inclusive of the Addendum of 17.01.2014, given in court hearing between today's appellants and the Republic of Kazakhstan, issued by the Institute of Arbitration of the Stockholm Chamber of Commerce, being one of the institutions specified by art. 26.4c of the EC Treaty and signed by the Republic of Kazakhstan on 17.12.1994.

For publication.

Rome, 29.01.2018

Presiding Judge
Dott. Gianna Maria Zannella
[Signature]

[Stamp – Deposited in Chancery

Today 30 January 2018

Court official

Liana de Robertis]

[Signature]

[Stamps – Ministry for the Economy and Finance adhesive stamp €46.11] (x5)

[Illegible stamp €276.66]