ICSID Case number: ARB/21/4 Date: 5 September 2022

## **RESPONDENT'S EXHIBIT LIST**

in the matter of:

- 1. **RWE AG**,
- 2. RWE EEMSHAVEN HOLDING II B.V.,

against:

THE KINGDOM OF THE NETHERLANDS,

## Fact Exhibits

| Exhibit no.       | Title   | Date              |
|-------------------|---|-------------------|
| R-0001            | Letter from the Netherlands to the ICSID            | 21 May 2021       |
|                   | Secretariat   | 21 Way 2021       |
| <u>R-0002-EN</u>  | RWE's Writ of Summons                               | 26 February 2021  |
| <u>R-0002-NL</u>  | RWE's Writ of Summons                               | 26 February 2021  |
|                   | Redline of first Brattle report submitted in the    |                   |
| <u>R-0003</u>     | Dutch Proceedings against the Brattle report        | Undated           |
|                   | submitted in the arbitration                        |                   |
|                   | Redline of Nera report submitted in the Dutch       |                   |
| <u>R-0004</u>     | Proceedings against the Nera report submitted       | Undated           |
|                   | in the arbitration                                  |                   |
| R-0005-DE         | The Netherlands' Application to the German          | 10 May 2021       |
|                   | Court   |                   |
| R-0005-ENG        | The Netherlands' Application to the German<br>Court | 10 May 2021       |
|                   | The Netherlands' submission to the German           |                   |
| R-0006-DE         | Court   | 29 September 2021 |
|                   | The Netherlands' submission to the German           |                   |
| <u>R-0006-ENG</u> | Court   | 29 September 2021 |
|                   | The Netherlands' submission to the German           |                   |
| <u>R-0007-DE</u>  | Court   | 21 January 2022   |
|                   | The Netherlands' submission to the German           | 21 January 2022   |
| <u>R-0007-ENG</u> | Court   | 21 January 2022   |
| <u>R-0008-DE</u>  | RWE's submission to the German Court                | 18 March 2022     |
| <u>R-0008-ENG</u> | RWE's submission to the German Court                | 18 March 2022     |
| <u>R-0009-DE</u>  | RWE's submission to the German Court                | 9 July 2021       |
| <u>R-0009-ENG</u> | RWE's submission to the German Court                | 9 July 2021       |
| <u>R-0010-DE</u>  | RWE's submission to the German Court                | 21 January 2022   |
| <u>R-0010-ENG</u> | RWE's submission to the German Court                | 21 January 2022   |
| <u>R-0011</u>     | The Netherlands' letter to the Tribunal             | 3 May 2022        |
| <u>R-0012</u>     | Letter from the European Commission to the          | 4 March 2022      |
|                   | Netherlands   |                   |
| R-0013            | Letter from the European Commission to the          | 22 September 2021 |
|                   | Netherlands   |                   |
| R-0014-DE         | The Netherlands' submission to the German           | 20 May 2022       |
|                   | Court   |                   |

| <u>R-0014-ENG</u> | The Netherlands' submission to the German Court  | 20 May 2022       |
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| <u>R-0015-DE</u>  | The Netherlands' Submission to the German Court  | 31 January 2022   |
| <u>R-0015-EN</u>  | The Netherlands' Submission to the German<br>Court   | 31 January 2022   |
| <u>R-0016</u>     | IPCC, Climate Change 2021: The Physical Science Basis  | 07 August 2021    |
| <u>R-0017-EN</u>  | Explanatory Memorandum regarding Act<br>prohibition coal for electricity production,<br>Parliamentary papers II 2018/19, 35 167, no. 3 | 19 March 2019     |
| <u>R-0017-NL</u>  | Explanatory Memorandum regarding Act<br>prohibition coal for electricity production,<br>Parliamentary papers II 2018/19, 35 167, no. 3 | 19 March 2019     |
| <u>R-0018-EN</u>  | Dutch Emissions Authority, Report 'Progress emissions trading 2018'  | 10 September 2018 |
| <u>R-0018-NL</u>  | Dutch Emissions Authority, Report 'Progress emissions trading 2018'  | 10 September 2018 |
| <u>R-0019-EN</u>  | NOS.nl, 'Ten companies emit large part of entire<br>Dutch business industry'   | 27 November 2018  |
| <u>R-0019-NL</u>  | NOS.nl, 'Ten companies emit large part of entire<br>Dutch business industry'   | 27 November 2018  |
| <u>R-0020-EN</u>  | Dutch Emissions Authority, Report 'Progress emissions trading 2019'  | 11 September 2019 |
| <u>R-0020-NL</u>  | Dutch Emissions Authority, Report 'Progress emissions trading 2019'  | 11 September 2019 |
| <u>R-0021-EN</u>  | Nu.nl, 'These were the largest emitters in the Netherlands in 2021'  | 20 April 2022     |
| <u>R-0021-NL</u>  | Nu.nl, 'These were the largest emitters in the Netherlands in 2021'  | 20 April 2022     |
| <u>R-0022</u>     | DW, 'IPCC: World must halve emissions by 2030'   | 04 April 2022     |
| <u>R-0023</u>     | Climate Analytics, 'A stress test for coal in<br>Europe under the Paris Agreement'   | February 2017     |
| <u>R-0024</u>     | RWE Press Release, "RWE Expressly Supports<br>Dutch CO2 Reduction Targets"   | 11 February 2021  |
| <u>R-0025-EN</u>  | Eemskrant, 'RWE Wants to Run Plant in<br>Eemshaven Entirely on Biomass'  | 01 July 2017      |
| <u>R-0025-NL</u>  | Eemskrant, 'RWE Wants to Run Plant in<br>Eemshaven Entirely on Biomass'  | 01 July 2017      |

|                  | Article AD.nl 'Coal plant owners want to get rid  |                   |
|------------------|---|-------------------|
| <u>R-0026-EN</u> | of coal'  | 05 January 2018   |
| <u>R-0026-NL</u> | Article AD.nl 'Coal plant owners want to get rid<br>of coal'  | 05 January 2018   |
| <u>R-0027-EN</u> | Agro & Chemie, 'Key role Eemshaven plant in the energy transition'  | 05 October 2018   |
| <u>R-0027-NL</u> | Agro & Chemie, 'Key role Eemshaven plant in the energy transition'  | 05 October 2018   |
| <u>R-0028-EN</u> | Clean Fossil Policy Memo, Parliamentary papers II 2003/04, 28 241, no. 6  | 22 September 2003 |
| <u>R-0028-NL</u> | Clean Fossil Policy Memo, Parliamentary papers II 2003/04, 28 241, no. 6  | 22 September 2003 |
| <u>R-0029-EN</u> | Energy Report 2002  | 2002              |
| <u>R-0029-NL</u> | Energy Report 2002  | 2002              |
| <u>R-0030-EN</u> | Energy Report 2005  | 2005              |
| R-0030-NL        | Energy Report 2005  | 2005              |
| <u>R-0031-EN</u> | Letter from the Minister for Housing, Spatial<br>Planning and the Environment, Parliamentary<br>papers II 2006/07, 28 240, no. 77 | 28 June 2007      |
| <u>R-0031-NL</u> | Letter from the Minister for Housing, Spatial<br>Planning and the Environment, Parliamentary<br>papers II 2006/07, 28 240, no. 77 | 28 June 2007      |
| <u>R-0032-EN</u> | Energy Report 2008  | 2008              |
| <u>R-0032-NL</u> | Energy Report 2008  | 2008              |
| <u>R-0033-EN</u> | 2008 Sector Agreement   | 28 October 2008   |
| <u>R-0033-NL</u> | 2008 Sector Agreement   | 28 October 2008   |
| <u>R-0034-EN</u> | RWE's letter to the Prime Minister  | 22 March 2007     |
| <u>R-0034-NL</u> | RWE's letter to the Prime Minister  | 22 March 2007     |
| <u>R-0035-EN</u> | Ministry of Housing, 'New Energy for the<br>Climate,' Spatial Planning and the Environment,<br>Clean and Efficient Work Programme | 24 August 2007    |
| <u>R-0035-NL</u> | Ministry of Housing, 'New Energy for the<br>Climate,' Spatial Planning and the Environment,<br>Clean and Efficient Work Programme | 24 August 2007    |
| <u>R-0036-EN</u> | Environmental permit  | 11 December 2007  |
| <u>R-0036-NL</u> | Environmental permit  | 11 December 2007  |
| <u>R-0037-EN</u> | RWE's letter to the Ministry of Economic Affairs  | 18 May 2006       |
| <u>R-0037-NL</u> | RWE's letter to the Ministry of Economic Affairs  | 18 May 2006       |

| <u>R-0038</u>    | RWE Press Release: The new RWE: carbon<br>neutral by 2040 and one of the world's leading<br>renewable energy companies   | 30 September 2019 |
|------------------|--|-------------------|
| <u>R-0039</u>    | Written Transcript RWE Press Conference  | 30 September 2019 |
| <u>R-0040</u>    | RWE Presentation, Capital Market Day   | 12 March 2020     |
| <u>R-0041</u>    | Transcript RWE declarations at ABC 'Climate in<br>the Courtroom Part 2: A fossil fuel company is<br>sued. Now it speaks' | 12 July 2020      |
| <u>R-0042-EN</u> | Implementation Note on Climate Policy 1999,<br>Parliamentary papers II 1998/99, 26 603, no. 2                            | 1999              |
| <u>R-0042-NL</u> | Implementation Note on Climate Policy 1999,<br>Parliamentary papers II 1998/99, 26 603, no. 2                            | 1999              |
| <u>R-0043-EN</u> | Memorandum on the Long-Term Vision for<br>Security of Supply, Parliamentary papers II<br>2002/2003, 29 023, no. 1        | 03 September 2003 |
| <u>R-0043-NL</u> | Memorandum on the Long-Term Vision for<br>Security of Supply, Parliamentary papers II<br>2002/2003, 29 023, no. 1        | 03 September 2003 |
| <u>R-0044-EN</u> | Letter from the Minister of Economic Affairs to<br>Parliament, Parliamentary papers II 2014/2015,<br>30 196, no. 300     | 18 March 2015     |
| <u>R-0044-NL</u> | Letter from the Minister of Economic Affairs to<br>Parliament, Parliamentary papers II 2014/2015,<br>30 196, no. 300     | 18 March 2015     |
| <u>R-0045-EN</u> | Answer from the Minister of Economic Affairs,<br>Parliamentary papers II 2005/06, no. 1224, p.<br>2611                   | 10 April 2006     |
| <u>R-0045-NL</u> | Answer from the Minister of Economic Affairs,<br>Parliamentary papers II 2005/06, no. 1224, p.<br>2611                   | 10 April 2006     |
| <u>R-0046-EN</u> | RWE, 'Starting Note: Construction of a 1600-<br>2200 MWe Coal-fired Power Plant Eemshaven<br>by RWE Power AG'            | April 2006        |
| <u>R-0046-NL</u> | RWE, 'Starting Note: Construction of a 1600-<br>2200 MWe Coal-fired Power Plant Eemshaven<br>by RWE Power AG'            | April 2006        |
| <u>R-0047-EN</u> | Request for environmental permit   | 20 December 2006  |
| <u>R-0047-NL</u> | Request for environmental permit   | 20 December 2006  |
| <u>R-0048-EN</u> | RWE's email to M. Frequin  | 05 March 2008     |
| <u>R-0048-NL</u> | RWE's email to M. Frequin  | 05 March 2008     |
| <u>R-0049</u>    | RWE, 2006 Annual Report  | 2006              |
|                  |  |                   |

| <u>R-0050-EN</u> | Core Team of CCS North-Netherlands, 'Carbon<br>Capture and Storage: Plan of Action North<br>Netherlands'  | January 2009    |
|------------------|---|-----------------|
| <u>R-0050-NL</u> | Core Team of CCS North-Netherlands, 'Carbon<br>Capture and Storage: Plan of Action North<br>Netherlands'  | January 2009    |
| <u>R-0051-EN</u> | Environmental Impact Assessment 2019  | 19 April 2019   |
| <u>R-0051-NL</u> | Environmental Impact Assessment 2019  | 19 April 2019   |
| <u>R-0052</u>    | International Energy Agency, Global Energy &<br>CO 2 Status Report - The latest trends in energy<br>and emissions in 2018   | 01 March 2019   |
| <u>R-0053</u>    | Anja Ipp, Annette Magnusson and Andrina<br>Kjellgren, 'The Energy Charter Treaty, Climate<br>Change and Clean Energy Transition', Climate<br>Change Counsel   | 15 March 2022   |
| <u>R-0054</u>    | Commision, Green Paper on greenhouse gas<br>emissions trading within the European Union,<br>COM(2000) 87 final  | 08 March 2000   |
| <u>R-0055</u>    | European Commission, EU ETS Handbook  | 2015            |
| <u>R-0056</u>    | European Commission, 'Climate Action: EU<br>Emissions Trading System'   | 20 July 2022    |
| <u>R-0057</u>    | European Commission, 'A European Green<br>Deal'   | 20 July 2022    |
| <u>R-0058</u>    | Proposal for a Directive of the European<br>Parliament and of the Council amending<br>Directive 2003/87/EC establishing a system for<br>greenhouse gas emission allowance trading<br>within the Union, Decision (EU) 2015/1814<br>concerning the establishment and operation of a<br>market stability reserve for the Union<br>greenhouse gas emission trading scheme and<br>Regulation (EU) 2015/757 | 30 June 2022    |
| <u>R-0059</u>    | Limiting global climate change to 2 degrees<br>Celsius - The way ahead for 2020 and beyond,<br>Communication from the Commission  | 10 January 2007 |
| <u>R-0060</u>    | An energy policy for Europe, Communication from the Commission  | 10 January 2007 |
| <u>R-0061</u>    | Report of the Conference of the Parties on its<br>thirteenth session, held in Bali from 3 to 15<br>December 2007  | 14 March 2008   |

| <u>R-0062</u>    | Intergovernmental Panel on Climate Change,<br>Climate Change Synthesis Report  | 17 November 2007  |
|------------------|--|-------------------|
| <u>R-0063</u>    | A Roadmap for Moving to a Competitive Low<br>Carbon Economy in 2050, Communication from<br>the Commission  | 08 March 2008     |
| <u>R-0064</u>    | Conclusions of the European Council of 23 and 24 October 2014  | 24 October 2014   |
| <u>R-0065</u>    | Paris Agreement, United Nations Treaty<br>Collection, Status of Treaties   | 03 September 2022 |
| <u>R-0066</u>    | Regulation (EU) 2021/1119 of the European<br>Parliament and of the Council of 30 June 2021<br>establishing the framework for achieving climate<br>neutrality and amending Regulations (EC) No<br>401/2009 and (EU) 2018/1999 ('European<br>Climate Law') | 30 June 2021      |
| <u>R-0067</u>    | Global Coal to Clean Power Transition<br>Statement   | 04 November 2021  |
| <u>R-0068</u>    | UNFCCC, 'The End of Coal?'   | 05 October 2021   |
| <u>R-0069</u>    | Europe Beyond Coal, Coal Exit Tracker  | 2022              |
| <u>R-0070</u>    | Europe Beyond Coal, 'Europe's Coal Exit:<br>Overview of National Coal Phase Out<br>Commitments'  | 13 January 2022   |
| <u>R-0071</u>    | Department of Business, Energy and Industrial<br>Strategy, Anne-Marie Trevelyan MP and Alok<br>Sharma MP, UK, 'End to Coal Power Brought<br>Forward to October 2024', Press Release,<br>UK.GOV   | 30 June 2021      |
| <u>R-0072-EN</u> | Public Affairs, France, 'Phasing out Fossil Fuels<br>and Developing Renewable Energies,"<br>Announcement on French Coal Phase-out Law  | 08 November 2019  |
| <u>R-0072-FR</u> | Public Affairs, France, 'Energy and Climate Act<br>of November 8, 2019', Announcement on<br>French Coal Phase-out Law  | 08 November 2019  |
| <u>R-0073</u>    | The Federal Government of Germany, 'Federal<br>Government Adopts Coal Phase-out Law:<br>Ending Coal-generated Power'   | 03 August 2022    |
| <u>R-0074</u>    | REPowerEU plan, Communication from the Commission  | 18 May 2022       |
| <u>R-0075</u>    | UN General Assembly, Resolution<br>A/RES/76/300, The human right to a clean,<br>healthy and sustainable environment  | 28 July 2022      |
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| <u>R-0076</u>    | BBC News, 'Europe's floods Lessons from<br>German tragedy'   | 29 October 2021   |
|------------------|--|-------------------|
| <u>R-0077-EN</u> | KNMI, Climate scenarios for the Netherlands  | 14 May 2015       |
| <u>R-0077-NL</u> | KNMI, Climate scenarios for the Netherlands  | 14 May 2015       |
| <u>R-0078</u>    | OECD country studies, 'Netherlands -<br>Regulatory Reform in the Electricity Industry'   | 1998              |
| <u>R-0079-EN</u> | Governing Agreement for the Cabinet of Wim<br>Kok II of 1998   | 03 September 1998 |
| <u>R-0079-EN</u> | Governing Agreement for the Cabinet of Wim<br>Kok II of 1998   | 03 September 1998 |
| <u>R-0080-EN</u> | VROM-Council, Transition to a low-carbon<br>energy management: Advice for the<br>Implementation Note on Climate Policy                 | 23 December 1998  |
| <u>R-0080-NL</u> | VROM-Council, Transition to a low-carbon<br>energy management: Advice for the<br>Implementation Note on Climate Policy                 | 23 December 1998  |
| <u>R-0081-EN</u> | Implementation Note on Climate Policy - List of<br>Questions and Answers, Parliamentary papers II<br>1999/20, 26 603, no. 4            | 22 October 1999   |
| <u>R-0081-NL</u> | Implementation Note on Climate Policy - List of<br>Questions and Answers, Parliamentary papers II<br>1999/20, 26 603, no. 4            | 22 October 1999   |
| <u>R-0082-EN</u> | Energy Report 1999   | 15 November 1999  |
| <u>R-0082-NL</u> | Energy Report 1999   | 15 November 1999  |
| <u>R-0083-EN</u> | Environmental Programme 2001-2004,<br>Parliamentary papers II 2000/01, 27 404, no. 2   | 19 September 2000 |
| <u>R-0083-NL</u> | Environmental Programme 2001-2004,<br>Parliamentary papers II 2000/01, 27 404, no. 2   | 19 September 2000 |
| <u>R-0084-EN</u> | Outline Policy Agreement Coal-Fired Power<br>Plants and CO2 Reduction  | 24 April 2000     |
| <u>R-0084-NL</u> | Outline Policy Agreement Coal-Fired Power<br>Plants and CO2 Reduction  | 24 April 2000     |
| <u>R-0085-EN</u> | Covenant on Coal-fired Power Plants and CO2<br>Reduction   | 24 April 2002     |
| <u>R-0085-NL</u> | Covenant on Coal-fired Power Plants and CO2<br>Reduction   | 24 April 2002     |
| <u>R-0086-EN</u> | Fourth National Environment Policy Plan  | 13 June 2001      |
| <u>R-0086-NL</u> | Fourth National Environment Policy Plan  | 13 June 2001      |
| <u>R-0087-EN</u> | Explanatory note to the amendment law<br>implementing European Directive 2003/87/EG,<br>Parliamentary papers II 2003/04, 29 565, no. 3 | 24 May 2003       |

| <u>R-0087-NL</u> | Explanatory note to the amendment law implementing European Directive 2003/87/EG, Parliamentary papers II 2003/04, 29 565, no. 3 | 24 May 2004      |
|------------------|--|------------------|
| <u>R-0088-EN</u> | Energeia, 'Essent and Eon Still Negotiate with<br>Consortium about Building Coal-fired Power<br>Plant'                           | 19 October 2006  |
| <u>R-0088-NL</u> | Energeia, 'Essent and Eon Still Negotiate with<br>Consortium about Building Coal-fired Power<br>Plant'                           | 19 October 2006  |
| <u>R-0089-EN</u> | Energeia, 'Consortium of Large-scale<br>Consumers Closes Deal with Eon, Still Talks<br>with Essent'                              | 24 December 2007 |
| <u>R-0089-NL</u> | Energeia, 'Consortium of Large-scale<br>Consumers Closes Deal with Eon, Still Talks<br>with Essent'                              | 24 December 2007 |
| <u>R-0090-EN</u> | Answers to questions asked by Member of the<br>House of Representatives, Parliamentary<br>papers II 2006/07, no. 2001            | 28 June 2007     |
| <u>R-0090-NL</u> | Answers to questions asked by Member of the<br>House of Representatives, Parliamentary<br>papers II 2006/07, no. 2001            | 28 June 2007     |
| <u>R-0091-EN</u> | Explanatory memorandum to proposal of law by<br>member Duyvendak, Parliamentary papers II<br>2007/2008, 31 362, no. 3            | 29 February 2008 |
| <u>R-0091-NL</u> | Explanatory memorandum to proposal of law by<br>member Duyvendak Parliamentary papers II<br>2007/2008, 31 362, no. 3             | 29 February 2008 |
| <u>R-0092-EN</u> | Letter from the Minister of Finance to<br>Parliament, Parliamentary papers II 2009/2010,<br>31 362, no. 12                       | 20 May 2010      |
| <u>R-0092-NL</u> | Letter from the Minister of Finance to<br>Parliament, Parliamentary papers II 2009/2010,<br>31 362, no. 12                       | 20 May 2010      |
| <u>R-0093-EN</u> | Tennet, Monitoring Report on Security of Supply 2007-2023  | June 2008        |
| <u>R-0093-NL</u> | Tennet, Monitoring Report on Security of Supply 2007-2023  | June 2008        |
| <u>R-0094</u>    | RWE's letter to Prime Minister   | 14 November 2008 |
| <u>R-0095</u>    | IPCC Third Assessment, Climate Change 2001:<br>Mitigation  | 03 March 2022    |

| <u>R-0096</u>    | A European Strategic Energy Technology Plan<br>(SET-Plan), 'Towards a low carbon future',<br>Communication from the Commission       | 22 November 2007  |
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| <u>R-0097-EN</u> | Letter from State Secretary for Housing, Spatial<br>Planning and the Environment, Parliamentary<br>papers II 2006-07, 28 240, no. 72 | 02 February 2007  |
| <u>R-0097-NL</u> | Letter from State Secretary for Housing, Spatial<br>Planning and the Environment, Parliamentary<br>papers II 2006-07, 28 240, no. 72 | 02 February 2007  |
| <u>R-0098</u>    | R. de Vos (ed), Linking the Chain, CATO-2  | 01 July 2022      |
| <u>R-0099-EN</u> | Letter from the Minister of Economic Affairs and<br>Climate, Parliamentary papers II 2019/20, 31<br>510, no. 70                      | 24 February 2020  |
| <u>R-0099-NL</u> | Letter from the Minister of Economic Affairs and<br>Climate, Parliamentary papers II 2019/20, 31<br>510, no. 70                      | 24 February 2022  |
| <u>R-0100-EN</u> | Letter from the Minister of Economic Affairs,<br>Parliamentary papers II 2009/10, 31 510, no. 33                                     | 06 February 2009  |
| <u>R-0100-NL</u> | Letter from the Minister of Economic Affairs,<br>Parliamentary papers II 2009/10, 31 510, no. 33                                     | 06 February 2009  |
| <u>R-0101-EN</u> | Notes of meeting of 2 December 2009,<br>Parliamentary papers II 2009-2010, 21 239, no.<br>90   | 02 December 2009  |
| <u>R-0101-NL</u> | Notes of meeting of 2 December 2009,<br>Parliamentary papers II 2009-2010, 21 239, no.<br>90   | 02 September 2009 |
| <u>R-0102-EN</u> | Letter from the Minister of Economic Affairs,<br>Parliamentary papers II 2009/10, 31 239, no. 76                                     | 23 November 2009  |
| <u>R-0102-NL</u> | Letter from the Minister of Economic Affairs,<br>Parliamentary papers II 2009/10, 31 239, no. 76                                     | 23 November 2009  |
| <u>R-0103-EN</u> | Energy Report 2011   | 2011              |
| <u>R-0103-NL</u> | Energy Report 2011   | 2011              |
| <u>R-0104-EN</u> | Letter from the Minister of Economic Affairs,<br>Parliamentary papers II 2014/15, 31 239, no.<br>180                                 | 11 November 2014  |
| <u>R-0104-NL</u> | Letter from the Minister of Economic Affairs,<br>Parliamentary papers II 2014/15, 31 239, no.<br>180                                 | 11 November 2014  |
| <u>R-0105-EN</u> | Letter from the Minister of Economic Affairs to<br>Parliament, Parliamentary papers II 2018/2019,<br>31 239, no. 294                 | 21 December 2018  |

|                  | Latter from the Minister of Foonemia Affeirs to                |                   |
|------------------|--|-------------------|
| D 0405 NI        | Letter from the Minister of Economic Affairs to                | 01 December 2019  |
| <u>R-0105-NL</u> | Parliament, Parliamentary papers II 2018/2019, 31 239, no. 294 | 21 December 2018  |
| <u>R-0106-EN</u> | 2013 Energy Agreement  | 2013              |
| <u>R-0106-NL</u> | 2013 Energy Agreement  | 2013              |
|                  | Letter from the Minister of Economic Affairs,                  |                   |
| <u>R-0107-EN</u> | Parliamentary papers II 2016-17, 32 239, no.<br>261            | 04 July 2017      |
|                  | Letter from the Minister of Economic Affairs,                  |                   |
| <u>R-0107-NL</u> | Parliamentary papers II 2016-17, 32 239, no.                   | 04 July 2017      |
|                  | 261  |                   |
| <u>R-0108</u>    | RWE, 2005 Annual Report  | 2005              |
| <u>R-0109</u>    | RWE, 2007 Annual Report  | 2007              |
| <u>R-0110-EN</u> | RWE's letter to the Minister of Economic Affairs               | 03 August 2006    |
| <u>R-0110-NL</u> | RWE's letter to the Minister of Economic Affairs               | 03 August 2006    |
| <u>R-0111</u>    | IEAGHG, CO2 Capture at Coal Based Power<br>and Hydrogen Plants | 1 May 2014        |
|                  | Co2ntramine, 'Expensive Eemshaven Coal-fired                   |                   |
|                  | Power Station Will Make a Loss'                                |                   |
| <u>R-0112-EN</u> | (http://www.co2ntramine.nl/dure-kolencentrale-                 | 4 April 2022      |
|                  | eemshaven-gaat-verlies-opleveren/)                             |                   |
|                  | Co2ntramine, 'Expensive Eemshaven Coal-fired                   |                   |
|                  | Power Station Will Make a Loss'                                |                   |
| <u>R-0112-NL</u> | (http://www.co2ntramine.nl/dure-kolencentrale-                 | 4 April 2022      |
|                  | eemshaven-gaat-verlies-opleveren/)                             |                   |
| <u>R-0113</u>    | RWE, 2012 Annual Report  | 2012              |
| <u>R-0114</u>    | RWE, 2013 Annual Report  | 2013              |
| <u>R-0115</u>    | RWE, 2014 Annual Report  | 2014              |
| <b>D</b> 0440    | Gerard Wynn, The Dutch Coal Mistake, Institute                 | 0010              |
| <u>R-0116</u>    | for Energy Economics and Financial Analysis                    | 2016              |
| <u>R-0117</u>    | RWE, 2008 Annual Report  | 2008              |
| <u>R-0118</u>    | RWE, 2015 Annual Report  | 8 March 2016      |
| D 0110           | Bloomberg, 'This €1 Billion Power Plant May                    | 00 D 1 0015       |
| <u>R-0119</u>    | Never Be Switched on'  | 23 December 2015  |
| <u>R-0120</u>    | RWE, 2009 Annual Report  | 2009              |
| <u>R-0121-EN</u> | RWE's letter to Province of Groningen                          | 21 September 2007 |
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| <u>R-0217</u>    | Joana Setzer and Catherine Higham, Global<br>Trends in Climate Change Litigation: 2022<br>Snapshot, Grantham Research Institute on<br>Climate Change and the Environment and<br>Centre for Climate Change Economics and<br>Policy, London School of Economics and<br>Political Science | 01 June 2022     |
| <u>R-0218</u>    | Press release of ENEA regarding the case of<br>ClientEarth v. Enea   | 01 August 2019   |
| <u>R-0219-EN</u> | Parliamentary discussion about Amendment of the Coal Act (Acts I 2020/21, no. 43, item 9)  | 29 June 2021     |
| <u>R-0219-NL</u> | Parliamentary discussion about Amendment of the Coal Act (Acts I 2020/21, no. 43, item 9)  | 29 June 2021     |
| <u>R-0220-EN</u> | Letter from the Minister for Climate and Energy<br>and the State Secretary of Infrastructure and<br>Water Management, Parliamentary papers II<br>2021/22, 32 813, no. 1039   | 22 April 2022    |
| <u>R-0220-NL</u> | Letter from the Minister for Climate and Energy<br>and the State Secretary of Infrastructure and<br>Water Management, Parliamentary papers II<br>2021/22, 32 813, no. 1039   | 22 April 2022    |
| <u>R-0221-EN</u> | Netherlands Enterprise Agency, 'Renewable<br>Heat' (https://www.rvo.nl/subsidies-<br>financiering/sde/aanvragen/hernieuwbare-<br>warmte)   | 2 August 2022    |
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| <u>R-0223-NL</u> | Draft decree laying down rules for compensation<br>of losses of operators of coal plants in<br>connection with the reduction of CO2 emissions             | 27 July 2021     |
| <u>R-0224-EN</u> | Letter from the State Secretary for Economic<br>Affairs, Parliamentary papers I 2021-22, 35 668,<br>no. M   | 22 December 2021 |
| <u>R-0224-NL</u> | Letter from the State Secretary for Economic<br>Affairs, Parliamentary papers I 2021-22, 35 668,<br>no. M   | 22 December 2021 |
| <u>R-0225-EN</u> | Letter from the Ministry of Economic Affairs and Climate to the Second Chamber  | 20 June 2022     |
| <u>R-0225-NL</u> | Letter from the Minister of Climate and Energy<br>and the State Secretary of Economic Affairs and<br>Climate to Parliament                                | 20 June 2022     |
| <u>R-0226-EN</u> | Het Financieele Dagblad 'Credit rating agency:<br>"Coal price will remain sky-high for years to<br>come"'   | 11 August 2022   |
| <u>R-0226-NL</u> | Het Financieele Dagblad 'Credit rating agency:<br>"Coal price will remain sky-high for years to<br>come"'   | 11 August 2022   |
| <u>R-0227</u>    | Declarations annexed to the Final Act of the<br>Intergovernmental Conference which adopted<br>the Treaty of Lisbon signed on 13 December<br>2007          | 26 October 202   |
| <u>R-0228</u>    | Primacy of EU law (https://eur-<br>lex.europa.eu/EN/legal-<br>content/glossary/primacy-of-eu-law.html)  | 3 September 2022 |
| <u>R-0229</u>    | The direct effect of European Union law<br>(https://eur-lex.europa.eu/legal-<br>content/EN/TXT/?uri=LEGISSUM:I14547)                                      | 3 September 2022 |
| <u>R-0230</u>    | Christina Eckes, 'The autonomy of the EU legal order', Europe and the World: A law review   | 05 February 2020 |
| <u>R-0231</u>    | Judicial Committee of the Privy Council, 'Role of<br>the JCPC' (https://www.jcpc.uk/about/role-of-<br>the-<br>jcpc.html#:~:text=The%20Judicial%20Committe | 3 September 2022 |

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| <u>R-0233</u>    | United States Courts, 'Comparing Federal and<br>State Courts' (https://www.uscourts.gov/about-<br>federal-courts/court-role-and-<br>structure/comparing-federal-state-courts)                                     | 3 September 2022 |
| <u>R-0234</u>    | Internal Energy Market, European Parliament   | 01 October 2021  |
| <u>R-0235</u>    | ICSID, 'Special Features and Benefits of ICSID<br>Membership'   |                  |
| R-0236           | ICSID, 'Post-Award Remedies'  | Undated          |
| <u>R-0237</u>    | Statement submitted to the Energy Charter<br>Treaty (ECT) Secretariat pursuant to Article<br>26(3)(b)(ii) of the ECT replacing the statement<br>made on 17 November 1997 on behalf of the<br>European Communities | 02 May 2019      |
| <u>R-0238</u>    | Declaration of the Member States of 15 January<br>2019 on the legal consequences of the Achmea<br>judgment and on investment protection   | 15 January 2019  |
| <u>R-0239-EN</u> | Letter from the Minister of Foreign Trade and<br>Development Cooperation, Parliamentary<br>papers II 2017/18, 21 501-02, no. 1863   | 26 April 2018    |
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| <u>R-0240-EN</u> | Annotated Agenda for the Foreign Trade<br>Council of the Senate   | 12 March 2020    |
| <u>R-0240-NL</u> | Annotated Agenda for the Foreign Trade<br>Council of the Senate   | 12 March 2020    |
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| <u>R-0257-EN</u> | Rabobank, 'Inflation monitor for the Netherlands<br>- August 2022'  | 31 August 2022    |
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| <u>R-0258-EN</u> | Subsidy request   | 03 October 2016   |
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| <u>R-0260</u>    | Budget for construction of pneumatic ship<br>unloader in connection with Eemshaven Co-<br>Firing project                                | 11 November 2014  |
| <u>R-0261-EN</u> | Letter from RWE/Essent to the State Secretary<br>of Economic Affairs  | 18 November 2011  |
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| <u>R-0262</u>    | Bioenergy International, RWE to retrofit<br>Eemshaven and Amer 9 for biomass co-firing  | 14 August 2017    |
| <u>R-0263-EN</u> | Het Financieele Dagblad, 'RWE Starts Test with New Biomass: Sugar Cane Waste'   | 18 September 2020 |
| <u>R-0263-NL</u> | Financieele Dagblad, 'RWE Starts Test with<br>New Biomass: Sugar Cane Waste'  | 18 September 2020 |
| <u>R-0264-EN</u> | Letter from the State Secretary for Economic<br>Affairs and Climate to the Senate (Parliamentary<br>papers I, 2020-2021, 35 668, no. J) | 02 September 2021 |
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## Legal Exhibits

| Exhibit no.        | Title   | Date             |
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| <u>RL-0001-ENG</u> | Rules of evidence in international arbitration: An<br>Annotated Guide   | 2013             |
| <u>RL-0002-ENG</u> | Christoph Schreuer, Loretta Malintoppi, August<br>Reinisch and Anthony Sinclair. The ICSID<br>Convention: A Commentary (2nd ed.),<br>Cambridge: Cambridge University Press 01<br>January 2009 | 2009             |
| <u>RL-0003</u>     | Slovak Republic v. Achmea BV, CJEU, Case C-<br>284/16, ECLI:EU:C:2018:158, Judgment   | 6 March 2018     |
| <u>RL-0004</u>     | Costa v. Enel, CJEU, Case 6/64,<br>ECLI:EU:C:1964:66, Judgment  | 15 July 1964     |
| <u>RL-0005</u>     | Internationale handelsgesellschaft v. Einfuhr-<br>und Vorratstelle Für Getreide und Futtermittel,<br>CJEU, Case C-11/70, ECLI:EU:C:1970:114,<br>Judgment                                      | 17 December 1970 |
| <u>RL-0006</u>     | Opinion 1/91, CJEU, ECLI:EU:C:1991:490,   | 14 December 1991 |
| <u>RL-0007</u>     | Opinion 1/09, CJEU, Case C-1/09,<br>ECLI:EU:C:2011:123,   | 8 March 2011     |
| <u>RL-0008</u>     | Melloni v. Ministero Fiscal, CJEU, Case C-<br>399/11, EU:C:2013:107, Judgment   | 26 February 2013 |
| <u>RL-0009</u>     | Van Gend en Loos v. Nederlandse<br>Tariefcommissie, CJEU, Case 26/62,<br>ECLI:EU:C:1963:1, Judgment   | 5 February 1963  |
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| <u>RL-0011</u>     | Opinion 2/15, CJEU, ECLI:EU:C:2017:376,   | 16 May 2017      |
| <u>RL-0012</u>     | Opinion 2/13, CJEU, ECLI:EU:C:2014:2454,  | 18 December 2014 |
| <u>RL-0013</u>     | Southern Pacific Properties (Middle East)<br>Limited v. Arab Republic of Egypt, ICSID Case<br>No. ARB/84/3, Decision on Preliminary<br>Objections to Jurisdiction,                            | 27 November 1985 |
| <u>RL-0014-DE</u>  | German Federal Court of Justice (III ZB 59/10),<br>SchiedsVZ 2011, 281  | 30 June 2011     |
| <u>RL-0014-ENG</u> | German Federal Court of Justice (III ZB 59/10),<br>SchiedsVZ 2011, 281  | 30 June 2011     |
| <u>RL-0015</u>     | N. Erk-Kubat, 'Chapter 2: Competence-<br>Competence', in Nadja Erk-Kubat, Parallel<br>Proceedings in International Arbitration: A   | 2014             |

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| <u>RL-0016-EN</u> | Beck-Online, Die Datenbank, Paragraph 1025<br>ZPO   | 2021             |
| <u>RL-0016-DE</u> | Beck-Online, Die Datenbank, Paragraph 1025<br>ZPO   | 2021             |
| <u>RL-0017</u>    | Iberdrola Energia S.A. v. Republic of Guatemala<br>II, PCA Case No. 2017-41, Final Award  | 24 August 2020   |
| <u>RL-0018</u>    | Bernardo M. Cremades, Ignacio Madalena,<br>"Parallel Proceedings in International<br>Arbitration", Arbitration International  | 2008             |
| <u>RL-0019</u>    | Luiz Olavo Baptista, "Chapter 5. Parallel<br>Arbitrations – Waivers and Estoppel" in<br>Bernardo M. Cremades and Julian D.M. Lew<br>(eds), Parallel State and Arbitral Procedures in<br>International Arbitration, Dossiers of the ICC<br>Institute of World Business Law, Volume 3 | 2005             |
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| <u>RL-0021</u>    | TSA Spectrum de Argentina S.A. v. Argentine<br>Republic, ICSID Case No. ARB/05/5, Award   | 19 December 2008 |
| <u>RL-0022</u>    | Daniel Robert Kaldemiris, Noah Rubins, et. al,<br>"ICSID Convention, Chapter II, Article 26<br>(Exclusive Remedy), in Loukas A. Mistelis (ed),<br>Concise International Arbitration, 2nd edition  | 2015             |
| <u>RL-0023</u>    | European American Investment Bank AG<br>(EURAM) v. Slovak Republic, UNCITRAL<br>(1976), Second Award on Jurisdiction  | 4 June 2014      |
| <u>RL-0024</u>    | Emilio Augustín Maffezini v. Spain, ICSID Case<br>No. ARB/97/7, Procedural Order No. 2  | 28 October 1999  |
| <u>RL-0025</u>    | ICSID, History of the ICSID Convention  | 1970             |
| <u>RL-0026</u>    | Occidental Petroleum Corporation and<br>Occidental Exploration and Production<br>Company v. The Republic of Ecuador, ICSID<br>Case No. ARB/06/11, Decision on provisional<br>measures   | 17 August 2007   |
| <u>RL-0027</u>    | Burlington Resources Inc. v. Republic of<br>Ecuador, ICSID Case No. ARB/08/5, Procedural<br>order no. 1   | 29 June 2009     |
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| United Nations Framework Convention on<br>Climate Change  | 14 June 1992   |
| Rio Declaration on Environment and<br>Development   | 03 August 1992   |
| Energy Charter Protocol on Energy Efficiency<br>and Related Environmental Aspects   | 17 December 1994   |
| Kyoto Protocol to the United Nations Framework<br>Convention on Climate Change  | 11 December 1997   |
| Directive 2003/87/EC of the European<br>Parliament and of the Council of 13 October<br>2003 establishing a scheme for greenhouse gas<br>emission allowance trading within the<br>Community and amending Council Directive<br>96/61/EC | 13 October 2003  |
| Report of the Conference of the Parties serving<br>as the meeting of the Parties to the Kyoto<br>Protocol on its sixth session, held in Cancun<br>from 29 November to 10 December 2010  | 15 March 2011  |
| Doha Amendment to the Kyoto Protocol  | 08 December 2012   |
| Decision of the Energy Charter Conference,<br>Public Communication explaining the main<br>changes contained in the agreement in principle   | 24 June 2022   |
| Electricity Act 1998, Official Gazette 1998, 427  | 2 July 1998  |
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| Environmental Taxes Act, Official Gazette, 1  | 01 January 2008  |
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| <u>RL-0043</u>    | Directive 2009/31/EC of the European<br>Parliament and of the Council of 23 April 2009<br>on the geological storage of carbon dioxide and<br>amending Council Directive 85/337/EEC,<br>European Parliament and Council Directives<br>2000/60/EC, 2001/80/EC, 2004/35/EC,<br>2006/12/EC, 2008/1/EC and Regulation (EC) No<br>1013/2006 | 23 April 2009     |
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| <u>RL-0044-EN</u> | The Environmental Law (General Provisions)<br>Act   | 06 November 2008  |
| <u>RL-0044-NL</u> | The Environmental Law (General Provisions)<br>Act   | 06 November 2008  |
| <u>RL-0045-EN</u> | Council of State, decision,<br>ECLI:NL:RVS:2008:BG5909 (Nuon)   | 03 December 2008  |
| <u>RL-0045-NL</u> | Council of State, decision,<br>ECLI:NL:RVS:2008:BG5909 (Nuon)   | 03 December 2008  |
| <u>RL-0046-EN</u> | Decision amending the Environmental<br>Management (Efficiency) Decree, Official<br>Gazette 2015, 387  | 13 October 2015   |
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| <u>RL-0048-EN</u> | Climate Act, Official Gazette 2019, 253   | 02 July 2019      |
| <u>RL-0048-NL</u> | Climate Act, Official Gazette 2019, 253   | 02 July 2019      |
| <u>RL-0049</u>    | Directive 2010/75/EU of the European<br>Parliament and of the Council of 24 November<br>2010 on industrial emissions (integrated<br>pollution prevention and control)   | 24 November 2010  |
| <u>RL-0050</u>    | District Court The Hague,<br>ECLI:NL:RBDHA:2021:5339 (Milieudefensie v.<br>Shell, official English translation)   | 26 May 2021       |
| <u>RL-0051</u>    | Summons in the case of Notre Affaire à Tous et<br>al v. Total   | 01 January 2002   |
| <u>RL-0052-DE</u> | Petition in the case of Kaiser, et al. v.<br>Volkswagen AG  | 08 November 2021  |
| <u>RL-0052-EN</u> | Petition in the case of Kaiser, et al. v.<br>Volkswagen AG  | 08 November 2021  |
| <u>RL-0053-DE</u> | Petition in the case of Deutsche Umwelthilfe<br>(DUH) v. Bayerische Motoren Werke AG (BMW)  | 21 September 2021 |
| <u>RL-0053-DE</u> |   | 21 September 2021 |

| <u>RL-0053-EN</u> | Petition in the case of Deutsche Umwelthilfe<br>(DUH) v. Bayerische Motoren Werke AG (BMW)   | 21 September 2021 |
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| <u>RL-0054-DE</u> | Court order in the case of Saúl Luciano Lluiya v.<br>RWE   | 30 November 2017  |
| <u>RL-0054-EN</u> | Court order in the case of Saúl Luciano Lluiya v.<br>RWE   | 30 November 2017  |
| <u>RL-0055</u>    | Commission on Human Rights of the<br>Philippines, National Inquiry on Climate Change<br>Report   | 03 May 2022       |
| <u>RL-0056</u>    | Directive 2018/2001 of the European Parliament<br>and of the Council of 11 December 2018 on the<br>promotion of the use of energy from renewable<br>sources (recast)   | 21 December 2018  |
| <u>RL-0057-EN</u> | Act amending the Coal Act in connection with production limits (Gazette 2021, no. 382)   | 07 July 2021      |
| <u>RL-0057-NL</u> | Act amending the Coal Act in connection with production limits (Gazette 2021, no. 382)   | 07 July 2022      |
| <u>RL-0058</u>    | Christoph Schreuer, Loretta Malintoppi, August<br>Reinisch, and Anthony Sinclair, The ICSID<br>Convention A Commentary (2nd edn), Article 25<br>ICSID, Cambridge University Press  | 2009              |
| RL-0059           | The Treaty of Rome   | 25 March 1957     |
| <u>RL-0060</u>    | Robert Pfleger and Others, CJEU, Case C-390-<br>12, ECLI:EU:C:2014:281, Judgment   | 30 April 2014     |
| <u>RL-0061</u>    | Treaty on the Functioning of the European<br>Union   | 26 October 2012   |
| <u>RL-0062</u>    | Regulation (EU) 1219/2012 of the European<br>Parliament and of the Council of 12 December<br>2012 establishing transitional arrangements for<br>bilateral investment agreements between<br>Member States and third countries | 12 December 2012  |
| <u>RL-0063</u>    | Opinion 1/00, CJEU, ECLI:EU:C:2002:231   | 18 April 2002     |
| <u>RL-0064</u>    | Opinion 1/75, CJEU, ECLI:EU:C:1975:145   | 11 November 1975  |
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| <u>RL-0202</u> | Dan Harris, Richard Caldwell and M. Alexis<br>Maniatis, 'A Subject of Interest: Pre-award<br>Interest Rates in International Arbitration',<br>Brattle Group                                     | 01 October 2017   |
| <u>RL-0203</u> | Pan American v. Argentina, ICSID Case No.<br>ARB/03/13, Decision on Preliminary Objections  | 27 July 2006      |
| <u>RL-0204</u> | Burlington Resources Inc. v. Republic of<br>Ecuador, ICSID Case No. ARB/08/5, Decision<br>on Counterclaims  | 07 February 2017  |
| <u>RL-0205</u> | Ronald S. Lauder v. The Czech Republic,<br>UNCITRAL, Final Award  | 03 September 2001 |
| <u>RL-0206</u> | British Caribbean Bank Limited (Turks &<br>Caicos) v. The Government of Belize, PCA<br>Case No. 2010-18, Award  | 19 December 2014  |