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March 1, 2016

Via ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York, Part I Judge
40 Foley Square, Courtroom 1106
New York, New York 10007

Re: ***Ioan Micula, et al. v. The Government of Romania, 1:15-mc-00107-P1***
Romania's Response to Petitioners' Letter-Motion Regarding
Supplemental Authority (ECF No. 124)

Dear Judge Schofield,

We represent the Government of Romania ("Romania") in the above-captioned matter. This letter comes in response to Ioan Micula, S.C. European Food S.A., S.C. Starmill S.R.L., and S.C. Multipack S.R.L.'s ("Petitioners") letter filed on February 29, 2016 requesting that this Honorable Court consider as supplemental authority the Decision on the Annulment issued by the ICSID *ad hoc* Committee on Annulment of the Arbitration Award on February 26, 2016.

Petitioners submitted the Decision on Annulment to support its contention that this Court should deny Romania's Motion for Satisfaction of Judgment. However, as they have done in the past with other pleadings, Petitioners omitted pertinent information contained in the Decision on Annulment that the Award has been partially satisfied through other means. Specifically, Romania respectfully brings to the attention of this Court that the Decision not only acknowledges, but reiterates, the fact that Romania has partially satisfied the Award via tax setoffs:

"...Romania has already benefitted from this right and has compensated part of the amount of the Award against the tax obligations of some of the Corporate Claimants." *See* Decision on Annulment, page 88, paragraph 307.

The Decision on Annulment not only supports Romania's position that it has paid the Petitioners via a tax setoff, but negates any doubts that Petitioners attempted to instill with this Court or elsewhere.

In light of Romania's pending Motion for Satisfaction of Judgment, this information contained in paragraph 307 of the Decision on Annulment is not only relevant, but vital, for the Court to consider.

Respectfully Submitted,

THE GOVERNMENT OF ROMANIA

By: /s/ Ioana Salajanu
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