

From: [REDACTED]@hsf.com>
Sent: mardi 2 juillet 2019 09:28
To: [REDACTED] (TRADE); [REDACTED]@nord-stream2.com'
Cc: [REDACTED] (TRADE); [REDACTED] (TRADE); [REDACTED] (TRADE); [REDACTED]@nord-stream2.com';
Subject: RE: Reply to letter dated 13 May 2019, Ref. Ares(2019)3146423 [HS-Brussels_03.FID230189]

Dear [REDACTED]

Further to my email from yesterday, we would ask whether it would be possible for the Commission to give us prior notice when it will publish the material on its website and whether it will make any additional statements when doing so (and if possible share these with us in advance).

Best regards,

From: [REDACTED]
Sent: 01 July 2019 13:02
To: [REDACTED]@ec.europa.eu; [REDACTED]@nord-stream2.com
Cc: [REDACTED]@ec.europa.eu; [REDACTED]@ec.europa.eu; [REDACTED]@ec.europa.eu; [REDACTED]@nord-stream2.com;
Subject: RE: Reply to letter dated 13 May 2019, Ref. Ares(2019)3146423 [HS-Brussels_03.FID230189]

Dear [REDACTED]

Thank you for your confirmation below.

We have now had the opportunity to consider further the proposal in relation to transparency that you made during our meeting on 25 June 2019. As we understand, you have proposed that you intend to publish (with personal data redacted) the letter and formal correspondence between NSP2AG and the EU on the Commission website: the NSP2AG letter of 12 April 2019, the EU response of 13 May 2019, NSP2AG's response of 27 May 2019 and the NSP2AG/HSF legal note of 14 June 2019, but not the email correspondence that has been exchanged.

We confirm that we have no objection to publication of these materials on this basis and that they do not contain commercially sensitive information.

Going forward, we understand that you intend to continue this approach (i.e. publish formal communication) but please let us know if this is incorrect. We note that we also intend to publish the formal correspondence. As noted at our meeting, we will be pleased to discuss further with you the approach to transparency / confidentiality in the event of arbitration proceedings being commenced at the relevant time.

Best regards,

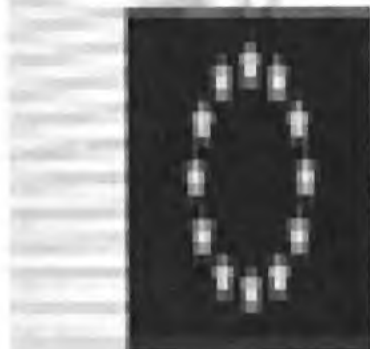
[REDACTED]
Herbert Smith Freehills LLP
Tel: [REDACTED]
www.herbertsmithfreehills.com

From: [REDACTED]@ec.europa.eu [mailto:[REDACTED]@ec.europa.eu]
Sent: 25 June 2019 16:59
To: [REDACTED]@nord-stream2.com
Cc: [REDACTED]@ec.europa.eu; [REDACTED]@ec.europa.eu; [REDACTED]
[REDACTED]@ec.europa.eu; [REDACTED]@nord-stream2.com
Subject: RE: Reply to letter dated 13 May 2019, Ref. Ares(2019)3146423 [HS-Brussels_03.FID230189]

Dear [REDACTED]

Thank you for your note. We will indeed not publish anything before we have heard back from you as regards any commercially sensitive information or personal data. We'll get back to you regarding the statement.

Thanks, best wishes [REDACTED]



European Commission

Directorate General for Trade

Dispute Settlement and Legal Aspects of Trade Policy (Unit F.2)

Office [REDACTED], The Charlemagne Building,

European Commission B-1049 Brussels, Belgium

Tel: [REDACTED]

Mob: [REDACTED]

[REDACTED] [ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)

Asst.: [REDACTED]

[ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)

<http://ec.europa.eu/trade/policy/accessing-markets/dispute-settlement/>

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From: [REDACTED] <[\[REDACTED\]@hsf.com](mailto:[REDACTED]@hsf.com)>

Sent: Tuesday, June 25, 2019 4:44 PM

To: [REDACTED] (TRADE) <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>; [REDACTED] <[\[REDACTED\]@nord-stream2.com](mailto:[REDACTED]@nord-stream2.com)>

Cc: [REDACTED] (TRADE) <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>; [REDACTED] (TRADE) <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>; [REDACTED] (TRADE) <[\[REDACTED\]@hsf.com](mailto:[REDACTED]@hsf.com)>; [REDACTED] <[\[REDACTED\]@nord-stream2.com](mailto:[REDACTED]@nord-stream2.com)>

Subject: RE: Reply to letter dated 13 May 2019, Ref. Ares(2019)3146423 [HS-Brussels_03.FID230189]

Dear [REDACTED]

This is just a quick follow-up to our meeting this afternoon.

We are currently considering the question of transparency and whether any of our communications include commercially sensitive information or personal data. We would ask, therefore, that you do not publish any of our letters, documents or emails on your website in the meantime.

Could you please also let us know whether you will be able to send us a copy of the EU statement that you made this afternoon.

Best regards,

[REDACTED]

From: [redacted]@ec.europa.eu [mailto:[redacted]@ec.europa.eu]
Sent: 21 June 2019 17:04
To: [redacted]@nord-stream2.com
Cc: [redacted]@ec.europa.eu; [redacted]@ec.europa.eu;
[redacted]@ec.europa.eu
Subject: RE: Reply to letter dated 13 May 2019, Ref. Ares(2019)3146423

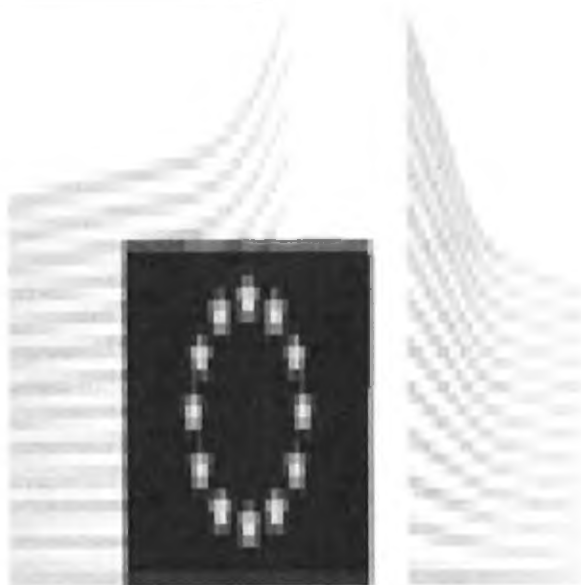
Dear [redacted]

Thank you for your e-mail below and my apologies for not getting back to you earlier.

We take note of your suggested agenda. We will have a statement to make which we will make, I would suggest, after the legal presentation by NSP2AG. Thank you for the various documents you have sent of which we take note.

To ease access to the building, we would need the following details for all participants: First name, Family name, Date of birth (in the format DD/MM/YYYY), Nationality (according to the ISO codes), ID document number, ID validity date. Please can you transmit these details to [redacted] on copy. When you arrive for the meeting please ask at reception for me, and we will come to accompany you to the meeting room.

We look forward to meeting you next Tuesday, best wishes [redacted]



European Commission

Directorate General for Trade

Dispute Settlement and Legal Aspects of Trade Policy (Unit F.2)

Office [redacted] The Charlemagne Building,

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<http://ec.europa.eu/trade/policy/accessing-markets/dispute-settlement/>

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From: [REDACTED]@nord-stream2.com>

Sent: Friday, June 14, 2019 4:43 PM

To: [REDACTED] (TRADE) [REDACTED]@ec.europa.eu>

Cc: [REDACTED]@hsf.com; [REDACTED] (TRADE)

[REDACTED]@ec.europa.eu>; [REDACTED] (TRADE)

[REDACTED]@ec.europa.eu>; [REDACTED] (TRADE)

[REDACTED]@ec.europa.eu>

Subject: RE: Reply to letter dated 13 May 2019, Ref. Ares(2019)3146423

Dear [REDACTED]

further to our e-mail exchange below we propose the following agenda for our meeting on June 25:

1. Introduction of participants
2. Legal presentation by NSP2AG of its concerns regarding the violation of the ECT by Directive 2019/692
3. Legal discussion and response by European Commission to NSP2AG's legal concerns and requests for clarification as set out in NSP2AG's letters of 12 April and 27 May 2019, and the note of 14 June 2019. In particular, the European Commission's response to the request first made on 12 April 2019 that "the EU confirms that Nord Stream 2 will be treated as "completed" and falling within the Derogation regime".
4. Next steps

Our delegation is planned as follows:

- [REDACTED] Nord Stream 2 AG
- [REDACTED]
- [REDACTED] Nord Stream 2 AG

- o [redacted] Herbert Smith Freehills LLP
- o [redacted] Herbert Smith Freehills LLP
- o [redacted] Herbert Smith Freehills LLP

We further attach a note summarizing NSP2AG's legal concerns. This will allow you to consider our concerns in advance of the meeting on 25 June and will hopefully contribute to a fruitful discussion.

We also attach for your information a number of academic articles in the public domain where similar concerns have been raised.

Please let us know if you have any questions or comments ahead of our meeting. Otherwise, we are looking forward to meeting you on June 25, at 14.30.

Best regards

[redacted]

Nord Stream 2 AG, Baarerstrasse 52, 6300 Zug, Switzerland

Tel [redacted] Mobile [redacted]
[redacted]@nord-stream2.com
www.nord-stream2.com

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From: [redacted]
Sent: 06 June 2019 08:29
To: [redacted]@ec.europa.eu; [redacted]@ec.europa.eu>
Cc: [redacted]@hsf.com; [redacted]@ec.europa.eu; [redacted]
[redacted]@ec.europa.eu; [redacted]@ec.europa.eu
Subject: RE: Reply to letter dated 13 May 2019, Ref. Ares(2019)3146423

Dear [redacted]

many thanks for your e-mail. We confirm to hold the meeting on June 25 at 14.30 in your premises. We will send an agenda along with some accompanying documents and the names of the NSP2 participants well ahead of the meeting.

Best regards,

[redacted]

Nord Stream 2 AG, Baarerstrasse 52, 6300 Zug, Switzerland
Tel [redacted] Mobile [redacted]
[redacted]@nord-stream2.com
www.nord-stream2.com

From: [redacted]@ec.europa.eu [redacted]@ec.europa.eu>

Sent: 04 June 2019 12:45

To: [redacted]@nord-stream2.com>

Cc: [redacted]@hsf.com; [redacted]@ec.europa.eu [redacted]

[redacted]@ec.europa.eu; [redacted]@ec.europa.eu

Subject: RE: Reply to letter dated 13 May 2019, Ref. Ares(2019)3146423

Dear [redacted]

Thank you for your letter of 27 May 2019. We take note of the content. We are unfortunately unable to have the meeting earlier than 25 June. We would therefore propose that it takes place on the 25th June, at 14.30. We would propose to hold the meeting in the Commission's premises, in the Charlemagne Building, on Rue de la Loi, Brussels. Closer to the time we would need to have some information from the attendees representing Nord Stream 2 in order to facilitate access to the building.

Yours sincerely, [redacted]

European Commission

Directorate General for Trade

Dispute Settlement and Legal Aspects of Trade Policy (Unit F.2)

Office [redacted] The Charlemagne Building,

European Commission B-1049 Brussels, Belgium

Tel: [redacted]

Mob: [redacted]

Asst.: [redacted]@ec.europa.eu

<http://ec.europa.eu/trade/policy/accessing-markets/dispute-settlement/>

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From: [REDACTED]@nord-stream2.com>
Sent: Monday, May 27, 2019 12:51 PM
To: [REDACTED] (TRADE) <[REDACTED]@ec.europa.eu>
Cc: [REDACTED] (TRADE) <[REDACTED]@ec.europa.eu>; [REDACTED]
[REDACTED] (TRADE) <[REDACTED]@ec.europa.eu>
Subject: Reply to letter dated 13 May 2019, Ref. Ares(2019)3146423

Dear [REDACTED]

please find attached our reply to [REDACTED] letter to [REDACTED] dated 13 May 2019.

Best regards,

[REDACTED]
Nord Stream 2 AG, Baarerstrasse 52, 6300 Zug, Switzerland
Tel [REDACTED] Mobile [REDACTED]
[REDACTED]@nord-stream2.com
www.nord-stream2.com

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