

Helsinki, 15 August 2024

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**CASE NO. FAI MOOT 100/2024: GREENHYDRO PLC (MEDITERRANEO) / EQUATORIANA RENPOWER LTD.
(EQUATORIANA)**

The Finland Arbitration Institute confirms the receipt of Equatoriana RenPower Ltd.'s Answer to the Request for Arbitration dated 14 August 2024 (the "Answer"), and of GreenHydro Plc's letter dated 14 August 2024 with enclosure, both enclosed to this letter.

Respondent's objection to jurisdiction

In the Answer, in paragraph 16, the Respondent has filed the following objection to jurisdiction:

"16. The Arbitral Tribunal lacks jurisdiction to decide the case. The compliance with the mediation requirement is a condition precedent for the validity of arbitration agreement or at least a requirement for the admissibility of the claim and should guide the Arbitral Tribunal in exercising its procedural discretion."

The Institute notes that the Claimant has already commented on the Respondent's objection to jurisdiction in its letter dated 14 August 2024. The Institute does not expect additional comments from the parties on this issue.

Constitution of the arbitral tribunal

In the Answer, the Respondent agrees with the Claimant's proposal that the arbitral tribunal be composed of three members: one nominated by each party and the presiding arbitrator appointed by the Institute.

The Respondent has nominated Mr. Carl Gustaf Synonoun (Väinämöinen Street 4, Oceanside, Equatoriana) as an arbitrator for confirmation by the Institute.

Possible referral of the arbitration to be conducted under the arbitration rules

In the Answer, the Respondent agrees with the Claimant's request that the Arbitration Rules 2024 of the Finland Chamber of Commerce (the "Arbitration Rules") be applied instead of the Rules for Expedited Arbitration 2024 of the Finland Chamber of Commerce (the "Rules").

Decisions to be made by the Board of the Finland Arbitration Institute

The matter will be referred to the Institute's next international board meeting to be held on 27 August 2024, where two decisions will be made:

1. Decision on jurisdiction (Article 15 of the Rules); and
2. If the arbitration is allowed to proceed, the decision on the referral of the arbitration to be conducted under the Arbitration Rules (Article 10 of the Rules).

Claimant's request for exclusion of Respondent's Exhibit R 3 from the case file

In its letter dated 14 August 2024, the Claimant has requested that the Respondent's Exhibit R 3 not be transmitted to the arbitral tribunal for the reasons stated in it.

The Institute notes that the case file will be transmitted, including all exhibits submitted by the parties, to the arbitral tribunal in accordance with the applicable arbitration rules, whether it be the Rules (Article 24) or the Arbitration Rules (Article 25). Pursuant to both sets of arbitration rules, it is for the arbitral tribunal to determine the admissibility, relevance, materiality, and weight of the evidence.

THE FINLAND ARBITRATION INSTITUTE

Adriana Aravena-Jokelainen
Legal Counsel

Enclosures: - Answer to the Request for Arbitration with enclosures (not reproduced)
 - Claimant's letter dated 14 August 2024 with enclosure (not reproduced)