

PERMANENT COURT OF ARBITRATION

Case No. 2012-07

**IN THE MATTER OF AN ARBITRATION UNDER THE AGREEMENTS BETWEEN
THE REPUBLIC OF FINLAND AND THE ARAB REPUBLIC OF EGYPT ON THE
PROMOTION AND PROTECTION OF INVESTMENTS RESPECTIVELY
DATED 5 MAY 1980 AND 3 MARCH 2004 AND THE
UNCITRAL ARBITRATION RULES**

BETWEEN

MOHAMED ABDEL RAOUF BAHGAT (Egypt)

Claimant

AND

THE ARAB REPUBLIC OF EGYPT (Egypt)

Respondent

Respondent's Memorial on Jurisdiction

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15 July 2013

B R E D I N P R A T

Avocats à la Cour d'Appel

1. Pursuant to the procedural timetable set forth in Procedural Order No. 1, Respondent respectfully submits its Memorial on Jurisdiction in the above-referenced arbitration. On 26 January 2013, Respondent submitted its Request for Bifurcation, which included, *inter alia*, its position regarding the lack of jurisdiction of the Tribunal. On 26 February 2013, Claimant notified its agreement to having the proceedings bifurcated without answering any of Respondent's objections to the jurisdiction of the Tribunal.

2. Accordingly, for the sake of procedural efficiency, and in light of the financial constraints and the difficult situation that Egypt is facing, Respondent respectfully refers the Tribunal to Sections II and III of its Request for Bifurcation, which present the relevant facts of the case and Respondent's objections on jurisdiction.

3. As a brief reminder, Respondent demonstrated in its Request for Bifurcation – with support of its legal experts, Dr. Badran and Pr. Scheinin – that Claimant was Egyptian at all relevant times and therefore cannot benefit from the protection of the underlying BITs, including their dispute resolution clauses. Moreover, Respondent also demonstrated that, in addition to the aforementioned lack of jurisdiction *ratione personae*, this Tribunal also lacks jurisdiction *ratione temporis* as the alleged breaches are not covered by either the 1980 BIT or the 2004 BIT.

B R E D I N P R A T

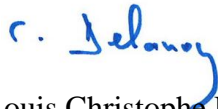
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PRAYER FOR RELIEF

4. In light of the foregoing, Respondent respectfully requests that the Arbitral Tribunal:
- (i) **Declare** that it has no jurisdiction over Mohamed Abdel Raouf Bahgat's claims;
 - (ii) **Dismiss** by way of an award all claims brought by Mohamed Abdel Raouf Bahgat against the Arab Republic of Egypt; and
 - (iii) **Order** Claimant to bear all the costs and expenses (with interests) of this arbitration, including but not limited to, the fees and expenses of the Tribunal, the fees and expenses of Respondent's experts and the fees and expenses of Respondent's legal representation in respect of this arbitration.

WITH ALL RESERVES

Respectfully submitted,



Louis Christophe DELANOY



Raëd FATHALLAH

Paris, 15 July 2013