(f) Where a case in respect of which a request for arbitration has been made is pending in litigation or appeal, the mutual agreement that implements the arbitration decision on the case shall be considered not to be accepted by the person directly affected by the case if any person directly affected by the case who is a party to the litigation or appeal does not withdraw, within 60 days after receiving the arbitration decision, from consideration by the relevant court or administrative tribunal all issues resolved in the arbitration proceedings. In this case, the case shall not be eligible for any further consideration by the competent authorities of the Contracting States.

(g) The provisions of paragraph 5 of Article 26 of the Convention and this paragraph shall not apply to cases falling within paragraph 3 of Article 4 of the Convention.

4. With reference to paragraph 3 of Article 27 of the Convention:

It is understood that in no case shall the provisions of paragraphs 1 and 2 of Article 27 of the Convention be construed so as to impose on a Contracting State the obligation to obtain or provide information that would reveal confidential communications between a client and an attorney, solicitor or other admitted legal representative where such communications are:

(a) produced for the purposes of seeking or providing legal advice; or

(b) produced for the purposes of use in existing or contemplated legal proceedings.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Protocol.

DONE in duplicate at Vilnius this thirteenth day of July, 2017 in the English language.

For Japan

Toyoei Shigeeda

For the Republic of Lithuania

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