(ii) The mutual agreement that implements the arbitration decision on the case shall be considered not to be accepted by a person directly affected by the case if any person directly affected by the case does not, within 60 days after the date on which notification of the mutual agreement is sent to the person, withdraw all issues resolved in the mutual agreement implementing the arbitration decision from consideration by any court or administrative tribunal or otherwise terminate any pending court or administrative proceedings with respect to such issues in a manner consistent with that mutual agreement.

(e) For the purposes of Article 23 of the Convention and this paragraph, the arbitration proceedings, as well as, in the case of clauses (i) and (ii), the mutual agreement procedure, with respect to a case shall terminate if, at any time after the request for arbitration has been made and before the arbitration panel has delivered its decision to the competent authorities of the Contracting States:

(i) the competent authorities of the Contracting States reach a mutual agreement to resolve the case pursuant to paragraph 2 of Article 23 of the Convention;

(ii) the person who presented the case withdraws the request for arbitration or the request for the mutual agreement procedure; or

(iii) a decision concerning the unresolved issues arising from the case is rendered by a court or administrative tribunal of one of the Contracting States.

(f) Each of the competent authorities of the Contracting States shall bear its own expenses and those of its appointed arbitrator. Unless otherwise agreed by the competent authorities of the Contracting States, the cost of the Chair of the arbitration panel and other expenses associated with the conduct of the arbitration proceedings shall be borne by the competent authorities of the Contracting States in equal shares.

(g) The provisions of paragraph 5 of Article 23 of the Convention and this paragraph shall not apply to cases falling within paragraph 3 of Article 4 of the Convention.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Protocol.

DONE in duplicate at Tokyo this nineteenth day of February, 2024, in the Japanese, Ukrainian and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government of Japan:
K. Matsu

For the Government of Ukraine:
Marchenko