

**[English translation of decision by Google Translate - inaccuracies reserved]**

The Court:

5.1 Declares that the public entity has acted unlawfully towards Eco Statia by:

- Failing to take safety measures to protect the hotel, cabana, lounge bar, historic ruin and building site from the hazards of cliff erosion;
- failing to warn Eco Statia in a timely and proper manner about the existence and implications of these hazards;
- Enforce Eco Statia's construction obligation for years despite the knowledge that the structures to be built are exposed to the dangers of cliff erosion.

5.2 Orders the public entity to take adequate safety measures so that the entire Eco Statia site is adequately protected against the dangers of cliff erosion, or that the safety risks are reduced to an acceptably low level, subject to a penalty of US\$ 1.000,00 per injunction violated per day with a daily maximum of US\$5.000,00 and an aggregate maximum of US\$1 million if the order is not complied with within three months of service of this judgment.

5.3 Orders the public entity to pay the costs of these proceedings, set on the part of Eco Statia at an amount of NAF 4.190,00 in court fees and NAF 297,50 in service costs and NAF 4.375,00 in salary of the authorized representative, plus the subsequent costs of NAF 250,00 without service and NAF 400,00 with service of this judgment, plus the statutory interest from the 15th day after the date of this judgment until the day of payment.

5.4 Declares this judgment provisionally enforceable so far.

5.5 Refers the case to the damage assessment procedure with regard to compensation.

5.6 Rejects the more or otherwise claimed.

Thus, given on December 6, 2022 by mr Th.G. Lautenbach, Judge in the aforementioned Court in the presence of the Registrar.