

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Gran Colombia Gold Corp.

v.

Republic of Colombia

(ICSID Case No. ARB/18/23)

PROCEDURAL ORDER No. 8

Members of the Tribunal

Ms. Jean Kalicki, President of the Tribunal
Professor Bernard Hanotiau, Arbitrator
Professor Brigitte Stern, Arbitrator

Assistant to the President of the Tribunal

Dr. Joel Dahlquist

Secretary of the Tribunal

Ms. Ana Constanza Conover Blancas

21 December 2020

Procedural Order No. 8

I. PROCEDURAL BACKGROUND

1. On 23 November 2020, the Tribunal issued a Decision on the Bifurcated Jurisdictional Issue by which it dismissed the Respondent's objection to jurisdiction based on Article 814(2) of the Free Trade Agreement between Canada and the Republic of Colombia.
2. On 30 November 2020, the Tribunal advised the Parties of the subsequent procedural steps in the arbitration. In accordance with paragraph 26 of Procedural Order No. 4, the Respondent was to file any application to defer quantum briefing two weeks after the Decision on the Bifurcated Jurisdictional Issue (i.e., by Monday, 7 December 2020), and the Claimant was to file any response two weeks thereafter. In addition, both the application and the response were to address the issue of any schedule adjustments should quantum briefing not be deferred.
3. By emails of 7 and 9 December 2020, the Parties requested extensions to the deadlines for the Respondent's application to defer quantum briefing and for the Claimant's response, which were granted by the Tribunal. In addition, by communication of 9 December 2020, the Parties requested the Tribunal to indicate its availability for a hearing in the second and third quarters of 2022. The Tribunal provided the Parties with the requested information on 14 December 2020.
4. By emails of 16 and 18 December 2020, the Parties informed the Tribunal that they had reached agreement on the procedural schedule for the next phase of the proceedings and attached for the Tribunal's consideration proposed amendments to Scenario 2 of Annex A of Procedural Order No. 2.
5. The Tribunal approves the Parties' proposed amendments to the procedural calendar, with one exception: the Tribunal is available to hold the pre-hearing organizational meeting on 13 July 2022, instead of the Parties' proposed date of 14 July 2022.
6. The Tribunal issues this Procedural Order No. 8, setting out the revised dates of the procedural calendar for this arbitration.

Procedural Order No. 8

II. ORDER

7. Scenario 2 of Annex A to Procedural Order No. 2 is hereby amended as follows:

PROCEDURAL SCHEDULE FOR THE PROCEEDINGS			
Description	Party/Tribunal	Period of Time (from prior step)	Date
Tribunal's Decision on Jurisdiction	Tribunal	–	23 November 2020
Determination of the Hearing date	All	–	TBD (as soon as possible)
Respondent's Memorial on Jurisdiction and Counter-Memorial on the Merits	Respondent	24 weeks from Decision on Jurisdiction	13 May 2021
Requests for production of documents	Claimant and Respondent	4 weeks	10 June 2021
Cut-off date to apply for leave to file a non-disputing party submission pursuant to Art. 831 of the FTA	Non-Disputing Parties		
Responses, including any objections, to requests for production, and production of non-objected documents	Claimant and Respondent	4 weeks	8 July 2021
Responses to non-disputing party applications, if any	Claimant and Respondent	1 week	15 July 2021
Reply to objections to requests for document production and transmittal of schedules to the Tribunal	Claimant and Respondent	4 weeks	12 August 2021
Decision concerning applications from Non-Disputing Parties	Tribunal		

Procedural Order No. 8

PROCEDURAL SCHEDULE FOR THE PROCEEDINGS			
Description	Party/Tribunal	Period of Time (from prior step)	Date
Deadline for Non-Disputing Party Submissions	Non-Disputing Parties	2 weeks	26 August 2021
Decision by the Tribunal on parties' requests for document production	Tribunal	2 weeks	9 September 2021
Production of documents as ordered by the Tribunal	Claimant and Respondent	4 weeks	7 October 2021
Claimant's Reply on the Merits	Claimant	16 weeks	27 January 2022
Respondent's Reply on Jurisdiction and Rejoinder on the Merits	Respondent	16 weeks	19 May 2022
Claimant's Rejoinder on Jurisdiction	Claimant	5 weeks	23 June 2022
Parties to exchange list of witnesses and experts to be cross-examined at the hearing	Claimant and Respondent	1 week	30 June 2022
Additional witnesses called by the Tribunal to be cross-examined at the hearing	Tribunal	1 week	7 July 2022
Pre-hearing organizational meeting (by telephone conference)	All	6 days	13 July 2022
Hearing on the Merits	All	8 weeks	7 September 2022 through 16 September 2022
Post-Hearing Memorials	Claimant and Respondent	–	Need and Timing TBD
Submissions on Costs	Claimant and Respondent	–	TBD

Procedural Order No. 8

PROCEDURAL SCHEDULE FOR THE PROCEEDINGS			
Description	Party/Tribunal	Period of Time (from prior step)	Date
Award/Decision	Tribunal	–	TBD

For and on behalf of the Tribunal,

[Signed]

Ms. Jean Kalicki
President of the Tribunal
Date: 21 December 2020