

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

South32 SA Investments Limited

v.

Republic of Colombia

ICSID Case No. ARB/20/9

PROCEDURAL ORDER NO. 3
(Procedural Calendar)

Members of the Tribunal

Ms. Deva Villanúa, President of the Tribunal
Prof. Guido S. Tawil, Arbitrator
Dr. Andrés Jana Linetzky, Arbitrator

Secretary of the Tribunal

Ms. Catherine Kettlewell

Assistant to the Tribunal

Ms. Francisca Seara Cardoso

10 January 2022

Procedural Order No. 3

WHEREAS

1. On 29 December 2020, the Arbitral Tribunal issued Procedural Order [“**PO**”] No. 1, setting a number of case management issues, among them, the “**Procedural Calendar**”.
2. On 6 January 2022, Claimant informed the Arbitral Tribunal that the Parties have agreed to adjust the procedural calendar to allow for three additional weeks for each of the Claimant’s Reply on the Merits and Counter-Memorial on Jurisdictional Objections and the Respondent’s Rejoinder on the Merits and Reply on Jurisdictional Objections.
3. On the same day, Respondent confirmed its agreement with Claimant’s communication.

I. DECISION OF THE ARBITRAL TRIBUNAL

4. The Tribunal appreciates the efforts of the Parties to dialogue and reach agreements with each other.
5. In furtherance of the Parties’ request and considering that the Parties’ proposal does not impact the hearing date, the Tribunal grants the extension requested and confirms all the adjustments to the Procedural Calendar contained in Procedural Order No. 1, Annex A, Scenario 1, as reflected in the attached Annex A to this Procedural Order.

[Signed]

Deva Villanúa
President of the Tribunal

Date: 10 January 2022

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ANNEX A
PROCEDURAL CALENDAR

Date / Period of Time	Party/Tribunal	Description
Friday, 23 April 2021	Claimant	Memorial on the Merits
Friday, 10 September 2021 [+140 days from the Memorial on the Merits]	Respondent	Counter-Memorial on the Merits and Memorial on Jurisdictional Objections
Friday, 30 September 2021 [+14 days from the Electronic Platform Filing (+4 business days) in support of the Counter-Memorial on the Merits]	Claimant & Respondent	Requests for Production of Documents
Thursday, 14 October 2021 [+14 days from the Document Production Requests]	Claimant & Respondent	Objections to Requests for Production of Documents and Voluntary Production of Documents
Thursday, 28 October 2021 [+14 days from the Objections to Production Requests]	Claimant & Respondent	Responses to Objections to Production Requests
Thursday, 11 November 2021	Tribunal	Ruling on Parties' Requests for Production of Documents

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Date / Period of Time	Party/Tribunal	Description
[+14 days from the Responses to Objections to Production Requests]		
<p style="text-align: center;">Thursday, 25 November 2021</p> <p>[+14 days from the Tribunal's Ruling on Parties' Requests for Production of Documents]</p>	Claimant & Respondent	Document Production in accordance with the Tribunal's Ruling
<p style="text-align: center;">Friday, 18 March 2022</p> <p>[+141 days starting from the middle of the document production phase – 28 October 2021)]</p>	Claimant	Reply on the Merits and Counter-Memorial on Jurisdictional Objections
<p style="text-align: center;">Monday, 8 August 2022</p> <p>[+143 days from the Reply on the Merits and Counter-Memorial on Jurisdictional Objections]</p>	Respondent	Rejoinder on the Merits and Reply on Jurisdictional Objections
<p style="text-align: center;">Monday, 7 November 2022</p> <p>[+91 days from the Reply on Jurisdictional Objections]</p>	Claimant	Rejoinder on Jurisdictional Objections
<p style="text-align: center;">Wednesday, 7 December 2022</p> <p>[+30 days from the Rejoinder on Jurisdictional Objections]</p>	Claimant & Respondent	Witness notification

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Date / Period of Time	Party/Tribunal	Description
[DATE] [at least 30 days before the Hearing]	All	Pre-Hearing Organizational Meeting
13 to 24 March 2023	All	Hearing