

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

RTI Rotalin Gas Trading AG and Rotalin Gaz Trading S.R.L.

v.

Republic of Moldova

(ICSID Case No. ARB(AF)/22/4)

PROCEDURAL ORDER NO. 4

DECISION ON THE RESPONDENT'S REQUEST FOR EXTENSION

Members of the Tribunal

Prof. Maxi Scherer, President of the Tribunal

Ms. Inka Hanefeld, Arbitrator

Ms. Jean E. Kalicki, Arbitrator

Secretary of the Tribunal

Mr. Oladimeji Ojo

18 December 2023

I. INTRODUCTION

1. This Procedural Order No. 4 addresses the Respondent's request for an extension of the deadline to file its Counter-Memorial from 12 February to 30 March 2024 (the "**Respondent's Extension Request**").
2. The Respondent filed its Extension Request on 8 December 2023.
3. On the same day, the Tribunal invited the Claimants' comments on the Respondent's Extension Request by 15 December 2023.
4. On 15 December 2023, the Claimants filed their comments on the Respondent's Extension Request (the "**Claimants' Comments**").

II. DECISION

5. Having carefully considered the Parties' respective submissions, the Tribunal decides to dismiss the Respondent's Extension Request.
6. *First*, the Respondent's Extension Request is based on two arguments, *i.e.*, that the Claimants' Request for Provisional Measures (i) amended the Claimants' claims; and (ii) consumed time the Respondent could not use for the preparation of its Counter-Memorial.¹
7. Concerning the first point, the Tribunal refers to its directions in Procedural Order No. 3 where it found that "*the Claimants have not formulated a request to amend their Memorial on the Merits*" and that it would "*deal with such a request if and when filed.*"²
8. Concerning the second point, the Tribunal notes that the Respondent received the Claimant's Memorial on 7 June 2003 and that its Counter-Memorial is due on 12 February 2024 pursuant to the Procedural Timetable in Annex A of Procedural Order No. 1, as amended on 1 June 2023. Given that the Respondent has overall more than 8 months to prepare its Counter-Memorial and that it still had over 2 months when the

¹ Respondent's Extension Request, ¶¶ 2-3.

² Procedural Order No. 3, ¶ 116.

Respondent's Extension Request was filed, the Tribunal does not believe an extension is warranted at this stage.

9. **Second**, the Tribunal notes that the requested extension until 30 March 2024 (or indeed a shorter extension) would require major adaptations to the Procedural Timetable and would potentially undermine the scheduled hearing dates.
10. **Finally**, in this context, the Tribunal invites the Parties, save exceptional circumstances or urgency, to discuss any extension requests in the first instance amongst themselves with a view to agree on the extension and necessary modification to the Procedural Timetable. The Tribunal notes that the Respondent has not engaged in any meaningful discussion with the Claimant to this effect before filing its Extension Request.
11. Considering the above, the Tribunal decides as follows:
 - a. Dismisses the Respondent's Extension Request;
 - b. Reserves its decision on costs arising out of the Respondent's Extension Request.

For and on behalf of the Tribunal,

Signed

Prof. Maxi Scherer
President of the Tribunal
Date: 18 December 2023