

**IN THE MATTER OF AN ARBITRATION UNDER
THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BELARUS
AND THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA ON THE PROMOTION AND
PROTECTION OF INVESTMENTS**

- and -

**THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL
TRADE LAW 1976**

- between -

OPEN JOINT STOCK COMPANY “BELARUSKALI”

(the “Claimant”)

and

THE REPUBLIC OF LITHUANIA

(the “Respondent” and, together with the Claimant, the “Parties”)

(PCA Case No. 2024-03)

PROCEDURAL ORDER NO. 4

Resumption of the proceedings

Tribunal

Professor Gabrielle Kaufmann-Kohler (Presiding Arbitrator)

Professor Azzedine Kettani (Arbitrator)

Professor Zachary Douglas KC (Arbitrator)

Tribunal Secretary: Dr Johannes Fahner

Registry: Permanent Court of Arbitration

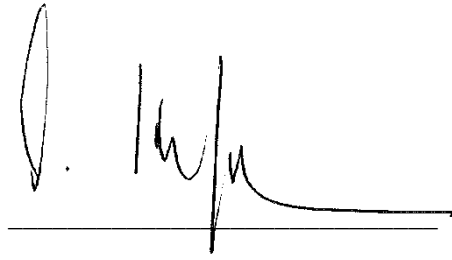
19 September 2024

I. PROCEDURAL HISTORY

- 1.1 In Procedural Order No. 3 dated 24 June 2024, the Tribunal suspended the arbitration proceedings until 30 August 2024, due to the Claimant's inability to pay its share of the initial advance on cost. The Tribunal deferred the time limit for the Statement of Claim and the Request for Bifurcation, if any, by 70 days.
- 1.2 PO3 further stipulated that the proceedings would be resumed as of Monday 2 September 2024, and that the Tribunal would issue a new procedural calendar, on the assumption that the Claimant would be able to pay its share of the deposit before the end of the suspension.
- 1.3 On 2 August 2024, the Claimant informed the Tribunal of a change of its Counsel and requested an extension for the filing of its Statement of Claim. The Respondent provided its comments to this request on 6 August 2024. On 8 August 2024, the Tribunal granted the Claimant an extension until 31 October 2024, on the assumption that the proceedings would be resumed as of 2 September 2024.
- 1.4 By letter of 16 August 2024, the PCA confirmed receipt of the Claimant's share of the deposit.
- 1.5 On 26 August 2024, the Claimant submitted a second request for an extension for the filing of its Statement of Claim. The Respondent provided its comments to this request on 28 August 2024. On 1 September 2024, the Tribunal granted the Claimant an extension until 2 December 2024.
- 1.6 On 11 September 2024, the Tribunal provided the Parties with a draft of the revised calendar with a view to the resumption of the proceedings. The Parties submitted comments on 16 September 2024. While the Respondent agreed to the Tribunal's proposal, the Claimant argued that the Respondent should not benefit from the same amount of time for the Statement of Defence as the Claimant received for the Statement of Claim as a result of the suspension of the proceedings and the Claimant's extension requests. On 18 September 2024, the Respondent provided comments on the Claimant's counterproposal.
- 1.7 In fact, the Respondent had requested an increase of the time for its Statement of Defence in its letter of 10 June 2024 and, in light of the various extensions granted to the Claimant, the Tribunal considers it fair that the Respondent benefit from additional time to prepare its Statement of Defence.
- 1.8 On this basis, the Tribunal issues the following order.

II. ORDER

The arbitration is resumed as of 2 September 2024 and the revised procedural calendar attached as Annex 1 hereto is adopted.

A handwritten signature in black ink, consisting of a large, stylized initial 'G' followed by 'K-K' and a long horizontal stroke extending to the right.

Gabrielle Kaufmann-Kohler
(Presiding Arbitrator)

On behalf of the Tribunal

ANNEX I: PROCEDURAL CALENDAR

SCENARIO 1: NO BIFURCATION REQUEST

No.	Procedural Step	By	Date	Interval
1.	Notice of Arbitration	Claimant	17 Oct 23	
2.	Statement of Claim	Claimant	2 Dec 24	As in PO1 + 150 days
3.	Statement of Defense and Counterclaim	Respondent	15 Oct 25	As in PO1 + 150 days
4.	Request to produce documents	Parties	5 Nov 25	As in PO1
5.	Production of non-objected documents and/or objections to produce	Parties	3 Dec 25	As in PO1
6.	Consultation on hearing format	Tribunal	10 Dec 25	As in PO1
7.	Reply to objections to produce	Parties	17 Dec 25	As in PO1 – 7 days
8.	Decision on requests for production	Tribunal	14 Jan 26	As in PO1 + 14 days
9.	Production as ordered	Parties	28 Jan 26	As in PO1
10.	Reply	Claimant	27 Apr 26	As in PO1 – 7 days
11.	Rejoinder	Respondent	24 Aug 26	As in PO1 – 6 days
12.	Identification of witnesses and experts called to be cross-examined, if any	Parties	7 Sep 26	As in PO1
13.	Pre-hearing conference	All	21 Sep 26	As in PO1
14.	Hearing	All	9 to 12 (with 13 in reserve) Nov 26	As in PO1 – 35 days
15.	Post-hearing submissions, if any, to be discussed at the end of the hearing	Parties	TBD at the end of the hearing	
16.	Cost Statements	Parties	TBD at the end of the hearing	

SCENARIO 2: BIFURCATION REQUEST DENIED

No.	Procedural Step	By	Date	Interval
1.	Notice of Arbitration	Claimant	17 Oct 23	
2.	Statement of Claim	Claimant	2 Dec 24	As in PO1 + 150 days
3.	Request for Bifurcation	Respondent	31 Mar 25	As in PO1 + 75 days + 2 days (weekend)
4.	Response on Bifurcation	Claimant	28 Apr 25	As in PO1
5.	Decision on Bifurcation (possibly with reasons communicated later)	Tribunal	12 May 25	As in PO1
6.	Statement of Defense and Counterclaim	Respondent	1 Dec 25	As in PO1 + 75 days + 2 days (weekend)
7.	Request to produce documents	Parties	22 Dec 25	As in PO1
8.	Production of non-objected documents and/or objections to produce	Parties	19 Jan 26	As in PO1
9.	Consultation on hearing format	Tribunal	19 Jan 26	As in PO1
10.	Reply to objections to produce	Parties	2 Feb 26	As in PO1
11.	Decision on requests for production	Tribunal	16 Feb 26	As in PO1
12.	Production as ordered	Parties	2 Mar 26	As in PO1
13.	Reply	Claimant	25 May 26	As in PO1 – 6 days
14.	Rejoinder	Respondent	7 Sep 26	As in PO1 – 7 days
15.	Identification of witnesses and experts called to be cross-examined, if any	Parties	18 Sep 26	As in PO1
16.	Pre-hearing conference	All	21 Sep 26	As in PO1
17.	Hearing	All	9 to 12 (with 13 in reserve) Nov 26	As in PO1 – 35 days
18.	Post-hearing submissions, TBD at the end of the hearing	Parties	TBD at the end of the hearing	
19.	Cost Statements	Parties	TBD at the end of the hearing	

SCENARIO 3: BIFURCATION REQUEST GRANTED

No.	Procedural Step	By	Date	Interval
1.	Notice of Arbitration	Claimant	17 Oct 23	
2.	Statement of Claim	Claimant	2 Dec 24	As in PO1 + 150 days
3.	Request for Bifurcation	Respondent	31 Mar 25	As in PO1 + 75 days + 2 days (weekend)
4.	Response on Bifurcation	Claimant	28 Apr 25	As in PO1
5.	Decision on Bifurcation (possibly with reasons communicated later) – followed by consultations on calendar	Tribunal	19 May 25	As in PO1