

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**Lotus Proje Akaryakıt Enerji Madencilik Telekomünikasyon İnşaat
Sanayi Taah. Ve Tic. A.Ş.**

v.

Turkmenistan

(ICSID Case No. ARB/24/13)

PROCEDURAL ORDER NO. 1

Members of the Tribunal

Ms. Meg Kinnear, President of the Tribunal

Ms. Lucy Greenwood, Arbitrator

Mr. John M. Townsend, Arbitrator

Secretary of the Tribunal

Mr. Govert Coppens

February 27, 2025

Contents and Agenda for the First Session

1. Applicable Arbitration Rules	3
2. Constitution of the Tribunal and Tribunal Members' Declarations.....	3
3. Fees and Expenses of Tribunal Members	4
4. Presence and Quorum	4
5. Rulings of the Tribunal	4
6. Power to Fix Time Limits	5
7. Secretary of the Tribunal	5
8. Representation of the Parties	6
9. Apportionment of Costs and Advance Payments to ICSID – Division of Advances	7
10. Place of Proceeding and Hearings	8
11. Procedural Language(s), Translation and Interpretation	8
12. Routing of Communications	9
13. Number of Copies and Method of Filing of Parties' Pleadings.....	10
14. Number and Sequence of Pleadings – Procedural Calendar (Annex B).....	11
15. Production of Documents	12
16. Submission of Documents	13
17. Witness Statements and Expert Reports	14
18. Examination of Witnesses and Experts.....	15
19. Pre-Hearing Organizational Meetings	16
20. Case Management Conferences	17
21. Hearings	17
22. Recordings of Hearings and Sessions	17
23. Post-Hearing Memorials and Statements of Costs.....	18
24. Transparency Matters.....	18
25. Data Privacy and Cybersecurity.....	18
26. Amicable Dispute Settlement	19
Annex A – Electronic File Naming Guidelines	20
Annex B – Schedule	22

Introduction

The first session of the Tribunal was held on February 19, 2025, at 10:00 a.m. EST, by video conference. The session was adjourned at 11.35 a.m. EST.

A recording of the session was made and deposited in the archives of ICSID. The recording was distributed to the Members of the Tribunal and the Parties on February 19, 2025.

Participating in the conference were:

Members of the Tribunal:

Ms. Meg Kinnear, President of the Tribunal

Ms. Lucy Greenwood, Arbitrator

Mr. John M. Townsend, Arbitrator

ICSID Secretariat:

Mr. Govert Coppens, Secretary of the Tribunal

On behalf of the Claimant:

Mr. Berk Tüzüner, Alp Arbitration

Mr. Mehmet Tuğberk Dekak, Juris Attorney Partnership

Mr. Sercan Polat, Polat & Polat Attorney Partnership

Mr. Baver Mazlum Mert, Turkish-German University

On behalf of the Respondent:

Mr. Ali R. Gürsel, Squire Patton Boggs, LLP

Mr. John D. Branson, Squire Patton Boggs, LLP

Mr. Carlos Guzmán Plascencia, Squire Patton Boggs, LLP

Ms. Isabel Manfredonia, Squire Patton Boggs, LLP

Ms. Olha Madaan, Squire Patton Boggs, LLP

The Tribunal and the Parties considered the following:

- The Draft Procedural Order Nos. 1 and 2 circulated by the Tribunal Secretary on January 27, 2025;
- The Parties' comments on the Draft Procedural Orders received by ICSID on February 7, 2025, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree; and

- A further revised Draft Procedural Order Nos. 1 and 2 circulated by the Tribunal Secretary on February 11, 2025.

Having considered the above documents and the Parties' views, the Tribunal now issues the present Order:

Order

Pursuant to ICSID Arbitration Rules 27 and 29, this Procedural Order sets out the Procedural Rules that govern this arbitration. The timetable is attached as **Annex B**.

1. Applicable Arbitration Rules

Convention Article 44; Arbitration Rule 1

- 1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of July 1, 2022.

2. Constitution of the Tribunal and Tribunal Members' Declarations

Arbitration Rule 21

- 2.1. The Tribunal was constituted on January 23, 2025, in accordance with the ICSID Convention and the ICSID Arbitration Rules. The Parties confirmed that the Tribunal was properly constituted and that no Party has any objection to the appointment of any Member of the Tribunal.
- 2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 19(3)(b). Copies of these declarations were distributed to the Parties by the ICSID Secretariat upon acceptance of each arbitrator's appointment on October 23, 2024, December 2, 2024, and January 23, 2025.
- 2.3. The Members of the Tribunal confirmed that they have sufficient availability during the next 24 months to dedicate to this case and that they will use best efforts to meet all time limits for orders, decisions and the Award, in accordance with ICSID Arbitration Rule 12(1).

3. Fees and Expenses of Tribunal Members

Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees; Memorandum on Fees and Expenses

3.1. The fees and expenses of each Tribunal Member shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses in force at the time the fees and expenses are incurred.

4. Presence and Quorum

Arbitration Rule 33

4.1. The participation of a majority of the members of the Tribunal by any appropriate means of communication is required at the first session and case management conferences, except as otherwise provided in the Arbitration Rules or unless the Parties agree otherwise. For hearings, the physical presence, and for deliberations, the presence by any appropriate means of all members of the Tribunal constitutes a quorum.

5. Rulings of the Tribunal

Convention Article 48(1); Arbitration Rules 10, 11(4), 12, 27 and 35

5.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.

5.2. Orders, decisions and the Award may be made by any appropriate means of communication.

5.3. Orders, decisions and the Award may be signed electronically.

5.4. The President is authorized to sign procedural orders and decisions on behalf of the Tribunal.

5.5. When the matter is urgent, the President may decide procedural matters without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal. This provision is not applicable in the case of orders for provisional measures or interim relief, for which prior consideration by the full Tribunal is required.

5.6. The Tribunal's orders and decisions shall indicate the reasons upon which they are made. The reasons may be minimal for non-controversial or minor procedural, administrative and organizational matters, e.g., extensions of time.

5.7. The Tribunal will use best efforts to issue all rulings, including the Award, within the time limits prescribed by the ICSID Arbitration Rules. If the Tribunal cannot comply with an applicable time limit, it will advise the Parties of the special circumstances justifying the delay and the date when it anticipates rendering the ruling, in accordance with ICSID Arbitration Rule 12(2).

5.8. Any ruling of the Tribunal, including the certified copy of the Award, will be dispatched electronically to the Parties.

6. Power to Fix Time Limits

Arbitration Rules 10 and 11

6.1. The President may exercise the Tribunal's power to fix and extend time limits for the completion of each procedural step in the proceeding under Arbitration Rules 10(1) and 11(3).

6.2. In exercising the power to fix time limits under Arbitration Rule 10(1), the President shall consult with the Parties as far as possible. If the matter is urgent, the President may fix or adjust time limits without consulting the Parties, subject to possible reconsideration of such decision by the full Tribunal.

7. Secretary of the Tribunal

Administrative and Financial Regulation 28

7.1. The Tribunal Secretary is Mr. Govert Coppens, Legal Counsel, ICSID, or such other person as ICSID may notify the Tribunal and the Parties from time to time.

7.2. To send copies of communications by email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Mr. Govert Coppens
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
U.S.A.
Tel.: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

Paralegal name: Ms. Colleen Ferguson

Paralegal email: [REDACTED]

ICSID case address: [REDACTED]

7.3. For local messenger deliveries, the contact details are:

Mr. Govert Coppens
ICSID
1225 Connecticut Avenue, N.W.
(World Bank C Building)
C3-222
Washington, D.C. 20036
U.S.A.
Tel.: +1 (202) 458-1534

8. Representation of the Parties

Arbitration Rule 2

8.1. Each Party shall be represented by its counsel (below) and may designate additional agents, counsel, or advocates by notifying the Tribunal and the Tribunal Secretary promptly of such designation.

For the Claimant

For the Respondent

Lotus Proje Akaryakıt Enerji Madencilik
Telekomünikasyon İnşaat
Sanayi Taahhüt ve Ticaret. A.S

Turkmenistan

Mr. Alptug (Alp) Tokeser

Mr. Berk Tüzüner

Alp Arbitration

[REDACTED]

Tel.: [REDACTED]

Email: [REDACTED]

and

Mr. Mehmet Tuğberk Dekak

Mr. Ferhan Yıldızlı

Juris Avukatlık Ortaklığı

Mr. Ali R. Gürsel

Mr. John D. Branson

Mr. Carlos Guzmán Plascencia

Ms. Isabel Manfredonia

Ms. Olha Madaan

Ms. Kate Maguire

Squire Patton Boggs, LLP

[REDACTED]

Tel.: [REDACTED]

Email: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Tel: [REDACTED]
Email: [REDACTED]
[REDACTED]

[REDACTED]

and

Ms. Bahar Charyyeva
Squire Patton Boggs, LLP

[REDACTED]
[REDACTED]
[REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

and

Mr. Sercan Polat
Polat & Polat Avukatlık Ortaklığı

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

and

Mr. Ruslan Galkanov
Squire Patton Boggs, LLP

[REDACTED]
[REDACTED]
[REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

and

Mr. Baver Mazlum Mert
Türk Alman Üniversitesi – Türkisch
Deutsche Universität

[REDACTED]
[REDACTED]
[REDACTED]

Email: [REDACTED]

8.2. The Tribunal may refuse designation of additional agents, counsel, or advocates if the designation would create a conflict of interest with one or more members of the Arbitral Tribunal.

9. Apportionment of Costs and Advance Payments to ICSID – Division of Advances
Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 50

9.1. The Parties shall cover the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.

9.2. Following registration of the Request for arbitration, by letter of May 23, 2024, ICSID informed the Parties that USD 300,000 will be necessary to cover the

estimated costs of the initial phase of the proceeding through the first session of the Tribunal, as well as the subsequent phase, and requested that the Claimant pay USD 150,000. ICSID received the Claimant's payment on July 2, 2024. Upon the constitution of the Tribunal, by letter of January 24, 2025, ICSID requested that the Respondent pay USD 150,000. ICSID received the Respondent's payment on February 7, 2025.

- 9.3. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account providing the details of the direct costs of the proceedings, including the total fees and expenses of all arbitrators. At the end of the case, the financial statement will include a breakdown of each arbitrator's fees and expenses.

10. Place of Proceeding and Hearings

Convention Articles 62 and 63; Arbitration Rule 32

- 10.1. Paris, France shall be the place of the proceeding.
- 10.2. The Tribunal may hold in-person hearings at any other place that it considers appropriate after consultation with the Parties. The method of holding a hearing will be determined in accordance with §21.
- 10.3. The Tribunal members may deliberate at any place and by any appropriate means they consider convenient.
- 10.4. The Parties agree that wherever the Award or decision was signed by each arbitrator, it is deemed to have been made at the place of the proceedings.

11. Procedural Language(s), Translation and Interpretation

Administrative and Financial Regulation 32; Arbitration Rule 7

- 11.1. English is the procedural language of the arbitration.
- 11.2. The Tribunal and the Secretariat shall communicate with the Parties in the English language.
- 11.3. Documents filed in any other language must be accompanied by a translation into English. Translations will be presumed accurate unless challenged within a reasonable time of receipt.

- 11.4. It is sufficient to translate only the relevant part of a supporting document, provided that it allows the reader to ascertain the relevant context surrounding the translated part, unless the Tribunal orders a Party to provide a fuller or a complete translation. A Party may on its own initiative submit a translation of any portion of a document submitted but not fully translated by the opposing Party.
- 11.5. Translations need not be certified, unless there is a dispute as to the content of the translation provided, provided that the Party disputing the translation specifically requests and the Tribunal determines that a certified translation is required. In requesting the certified translation, the Party disputing the translation shall indicate where and for what reasons the translation is inaccurate. Costs of certified translations are deemed costs incurred in the arbitration.
- 11.6. Documents exchanged between the Parties in a language other than English under §15 below (Production of Documents) need not be translated.
- 11.7. The Parties will notify the Tribunal which witnesses or experts require interpretation, no later than when notifying which witnesses and experts are called for examination at the hearing (see Schedule – **Annex B** below) and as soon as possible.
- 11.8. The testimony of a witness called for examination during the hearing given in a language other than English shall be interpreted simultaneously unless otherwise agreed by the Parties.
- 11.9. The costs of interpretation will be paid from the advance payments made by the Parties, without prejudice to the decision of the Tribunal as to which Party shall ultimately bear those costs. Interpreters and the court reporter at hearings shall be arranged by the ICSID Secretariat in consultation with the Parties.

12. Routing of Communications

Arbitration Rule 6

- 12.1. The ICSID Secretariat shall be the channel of written communications between the Parties and the Tribunal. In urgent situations, a Party may also send copies directly to the Tribunal, in addition to the Secretary and to the other Party.
- 12.2. The email addresses of the Members of the Tribunal are:

Ms. Meg Kinnear

Ms. Lucy Greenwood

Mr. John M. Townsend

- 12.3. Each Party's written communications shall be transmitted by email or other electronic means to the opposing Party and to the Tribunal Secretary, who shall send them to the Tribunal.
- 12.4. Electronic versions of communications ordered by the Tribunal to be filed simultaneously shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing Party and the Tribunal once both Parties' submissions have been received.
- 12.5. The Tribunal Secretary shall not be copied on direct communications between the Parties when such communications are not intended to be transmitted to the Tribunal.

13. Number of Copies and Method of Filing of Parties' Pleadings
Arbitration Rules 4, 5 and 9

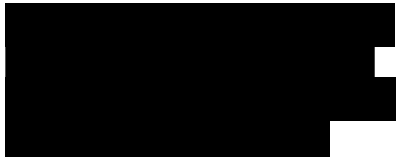
- 13.1. By the relevant filing date, the Parties shall:

13.1.1. submit by email to the Tribunal Secretary and the opposing Party an electronic version of the pleading with witness statements and expert reports with their annexes and an index of all supporting documentation;¹ and

13.1.2. not later than one week after the day of submission, upload the pleading with all the supporting documentation and updated index to the file sharing platform that has been created by ICSID for purposes of this case.²

- 13.2. No later than the third business day after the day of submission, the filing Party shall send hard copies of memorials, witness statements, and expert reports (but not exhibits or legal authorities) to Mr. John Townsend at the following address:

Mr. John Townsend



- 13.3. Electronic files of pleadings, witness statements, expert reports, exhibits and legal authorities shall be text searchable (i.e. OCR PDF files).

¹ Please note that the World Bank server does not accept emails larger than 25 MB.

² Supporting documentation shall be uploaded as individual files, not in .zip format.

- 13.4. All pleadings shall contain consecutively numbered paragraphs and shall be accompanied by a cumulative index of all the supporting documentation that the Party has submitted up to the date of the pleading. The index shall indicate the document number and the pleading with which it was submitted and shall follow the naming conventions contained in **Annex A**.
- 13.5. All references to documents filed in the proceeding shall be bookmarked to the relevant section of the original source document.
- 13.6. At the conclusion of the written phase of the proceeding, the Tribunal may request that the Parties upload an electronic copy of the entire case file of their respective pleadings and submissions (including pleadings, witness statements, expert reports, exhibits, legal authorities and Tribunal decisions and orders to date) with a consolidated hyperlinked index of all documents. The electronic copy shall be in a format that can readily be downloaded. The Tribunal shall consult the Parties on the time required to do so.³
- 13.7. The official date of receipt of a pleading or written communication shall be the day on which the electronic file is sent to the Tribunal Secretary by email.
- 13.8. A filing shall be deemed timely if sent by a Party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday, the relevant date is the subsequent business day.

14. Number and Sequence of Pleadings – Procedural Calendar (Annex B)
Arbitration Rule 30

- 14.1. Pleadings shall be submitted by the Parties in accordance with the timetable attached as **Annex B**, as it may be amended from time to time by the Tribunal.
- 14.2. The hearing shall commence on Monday, September 21, 2026. The duration of the hearing will be determined at the Pre-Hearing Organizational Meeting.
- 14.3. The Tribunal shall make all best efforts to issue decisions and orders on procedural matters expeditiously, and where possible, to do so by or before the time stipulated in the Rules and applicable time limits.
- 14.4. The Tribunal shall make all best efforts to issue the Award expeditiously, and

³ To ensure the full operation of the hyperlinked index, the entire folder shall be housed within one folder and then uploaded to Box as a single .zip file. Should the size of the .zip file make the upload to Box impossible, the Parties shall upload the organized folder to a designated sub-folder on to the Box files sharing platform, in a sub-folder and including a consolidated (non-hyperlinked) index.

consistent with the time stipulated in ICSID Arbitration Rule 58.

15. Production of Documents

Convention Article 43(a); Arbitration Rules 5 and 36-40

- 15.1. Requests to produce documents, responses thereto and related applications to the Tribunal shall be made in the form of a Stern Schedule containing the production request, with a description of each document or category of documents sufficient to identify it, in one column and columns for each of the following: (a) the reasons for those requests; (b) the response to those requests; (c) the reply to the responses; and (d) the Tribunal's decision. An electronic MS Word version of the Stern Schedule is to be transmitted to the Party to whom the request is made and, when requesting the Tribunal's decision, to the Tribunal.
- 15.2. Document production requests shall include a description of how the documents requested are relevant and material to the outcome of the arbitration and to which issue they go and a statement that the documents are not in the possession, custody or control of the requesting Party.
- 15.3. The Parties shall confer with one another on any refusal by the other Party to produce a document and shall seek to resolve the refusal between themselves. Only once the Parties have conferred on the Replies to Objections and sought to resolve any remaining objections, should the contested requests be submitted to the Tribunal.
- 15.4. If the Parties are unable to resolve a refusal to produce a document, they shall submit the Stern Schedule containing only those requests that have been refused and upon which the Party requires a decision by the Tribunal. Such a request shall be provided to the Tribunal in the format of a Stern Schedule, and in an electronic MS Word version. For avoidance of doubt, each request shall maintain its original numbering in the schedule referred to in §15.1. The Tribunal shall decide such requests on the basis of the Schedule. Absent exceptional circumstances, the Tribunal will not reformulate the wording of requests.
- 15.5. In deciding upon any document production request, the Tribunal will apply ICSID Rule 37 but will also be guided, without being bound, by the principles set forth in the IBA Rules on the Taking of Evidence in International Arbitration.
- 15.6. Documents communicated by a Party to the other Party in response to a request or order shall not be considered to be on the record unless and until they have been submitted in the arbitration.

16. Submission of Documents

Convention Article 44; Arbitration Rule 5

- 16.1. The Memorial and Counter-Memorial shall be accompanied by the documentary evidence relied upon by the Parties, including exhibits and legal authorities. Further documentary evidence relied upon by the Parties in rebuttal shall be submitted with the Reply and Rejoinder.
- 16.2. The documents shall be submitted in the manner and form set forth in §13, above.
- 16.3. Neither Party shall be permitted to submit additional or responsive documents after the filing of its respective last written submission, unless the Tribunal determines that extraordinary circumstances exist outside the control of the Party intending to introduce documents based on a timely and reasoned written application followed by observations from the other Party.
- 16.3.1. Should a Party request leave to file additional or responsive documents, it must do so no later than 30 days before the hearing, and that Party may not annex the documents that it seeks to file to its request.
- 16.3.2. If the Tribunal grants such an application for submission of an additional or responsive document, the Tribunal shall ensure that the other Party is afforded sufficient opportunity to make its observations concerning such document, including by submitting reasonably sufficient rebuttal evidence.
- 16.4. The Tribunal may call upon the Parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 36(3).
- 16.5. Documents shall be submitted in the following form:
- 16.5.1. The number of each exhibit containing a document produced by Claimant shall be preceded by the letter “C-” for factual exhibits and “CL-” for legal exhibits containing authorities etc. The number for each exhibit containing a document produced by Respondent shall be preceded by the letter “R-” for factual exhibits and “RL-” for legal exhibits containing authorities etc.
- 16.5.2. Exhibits and legal authorities shall be numbered consecutively throughout these proceedings, commencing with “C-0001” and “R-0001,” and “CL-001” and “RL-001” respectively. The number of the exhibit or legal authority shall appear on the first page of the document and shall be incorporated into the file name in accordance with §16.5.4.

16.5.3. A Party may produce several documents relating to the same subject matter within one exhibit, numbering each page of such exhibit separately and consecutively.

16.5.4. Electronic files and the accompanying indexes shall follow the naming conventions contained in **Annex A**.

16.6. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a Party, in which case the Tribunal will determine whether authentication is necessary.

16.7. The Parties shall file all documents only once by submitting them with their pleadings. Documents need not be resubmitted with witness statements even if referred to in such statements.

16.8. The Parties may use PowerPoint slides and demonstrative exhibits (such as charts, tabulations, etc.) compiling information which is on record but not presented in such form, provided that they (i) identify the source in the record from which the information is derived, and (ii) do not contain information not in the record.

16.9. An electronic copy of each demonstrative exhibit, other than PowerPoint slides, shall be distributed by the Party intending to use it via an electronic mail sent to the entire case email distribution for each Party, the Members of the Tribunal, the Tribunal Secretary, the court reporter, and the interpreters (if applicable), three days before their intended use. PowerPoint slides shall be distributed immediately before the Party intends to use them via an electronic mail sent to all Parties mentioned in this paragraph.

16.10. In addition, promptly after the conclusion of the hearing day on which the corresponding demonstrative exhibit is used, the Parties shall upload such demonstrative to the case folder in the BOX filesharing platform, designating each with the corresponding CD-__ or RD-__ number.

17. Witness Statements and Expert Reports

Convention Article 43(a); Arbitration Rule 38

17.1. Witness statements and expert reports shall be filed together with the Parties' pleadings.

17.2. Neither Party shall be permitted to submit any testimony that has not been filed with the written submissions, unless the Tribunal determines that special

circumstances exist based on a reasoned written request followed by observations from the other Party (following the procedure outlined in §16.3).

17.3. Each witness statement and expert report shall be signed and dated by the witness.

18. Examination of Witnesses and Experts

Arbitration Rule 38

18.1. Before giving evidence, witnesses shall make the declaration set out in ICSID Arbitration Rule 38(6), and experts shall make the declaration set out in ICSID Arbitration Rule 38(8).

18.2. Examination by video-conference may be permitted under exceptional circumstances evidenced by the Party invoking those circumstances.

18.3. At least 45 days prior to the hearing, each Party shall provide a list identifying any witness or expert who it wants to cross-examine at the hearing. The Tribunal may ask the Parties to produce a witness or expert who has filed a written statement in the proceeding but has not been identified for cross-examination by a Party.

18.4. Cross examination:

18.4.1. The direct examination of witnesses is given in the form of witness statements. However, the Parties are entitled to a 10-minute direct examination of each witness they present in person. Experts may make a 30-minute presentation of their reports in lieu of direct examination.

18.4.2. The respective other Party will be provided with the opportunity of cross-examining the witnesses and experts.

18.4.3. Subject to the direction of the Tribunal, cross-examination shall be limited to (i) the scope of the written witness statements or written expert reports and any direct examination conducted at the hearing and (ii) about any evidence in the record of which the fact witness could reasonably be expected to have personal knowledge.

18.4.4. After cross-examination, the Party presenting the witness or expert shall have the right to a re-direct examination.

18.4.5. Re-direct examination shall be limited to matters arising directly out of cross-examination.

- 18.4.6. Both Parties shall be allocated an equal share of time for the questioning of witnesses and experts called. The Parties are responsible to allocate their share of time to the questioning of individual witnesses and experts.
- 18.5. The Tribunal shall assess the evidentiary value of a written witness statement or expert report submitted by a witness or expert who, after being called for cross-examination, fails to appear at the oral hearing due to reasonable circumstances. The Tribunal, however, shall disregard any witness statement or expert report provided by a witness or expert who, if called, fails to appear at the hearing without any reasonable justification for their absence.
- 18.6. Witnesses of fact shall not be allowed in the hearing room or be permitted to read the transcript before giving their oral evidence, even if they are simultaneously acting as a representative of a Party. Experts shall be allowed in the hearing room at any time, unless otherwise agreed by the Parties or upon an application demonstrating exceptional circumstances to not allow their attendance.
- 18.7. Other matters regarding hearings shall be agreed upon by the Parties or decided by the Tribunal at a later stage.

19. Pre-Hearing Organizational Meetings

Arbitration Rule 31

- 19.1. A pre-hearing organizational meeting shall be held on July 30, 2026. It shall comprise a teleconference or videoconference between the Tribunal, or its President, and the Parties and should address any outstanding procedural, administrative, and logistical matters (including modality of interpretation and transcription) in preparation for the hearing.
- 19.2. By or before July 23, 2026, the Parties shall submit to the Tribunal jointly – or, where they are unable to agree, separately – a proposal regarding a daily schedule for the hearing.
- 19.3. Unless documented exceptional circumstances exist, the Parties shall not submit any new application of any kind for consideration of the Tribunal in the 30 days prior to the Hearing.

20. Case Management Conferences

Arbitration Rule 31

20.1. The Tribunal shall convene at least one case management conference (CMC) and may convene further CMCs if useful. It will consult the Parties on the timing, method and subject of any CMC at least 30 days prior to scheduling a conference.

21. Hearings

Arbitration Rule 32

21.1. The oral procedure shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.

21.2. The hearing may be held in-person or by any other means of communication as determined by the Tribunal and agreed by the Parties. An in-person hearing shall be held at a place to be determined in accordance with §10 above.

21.3. The Tribunal may decide to hold a hearing remotely or in a hybrid form only by the express agreement of both Parties.

21.4. The Members of the Tribunal shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.

21.5. Time shall be allocated equally between the Parties, in a manner to be determined at the pre-hearing organizational meeting.

21.6. Hearings shall be closed to the public.

21.7. The precise duration of the evidentiary hearing will be determined at a later stage. The Parties will confer after the Counter-Memorial on the Merits is served and advise the Tribunal within two weeks of that date, i.e. by November 21, 2025, how many days they (or each Party if no agreement can be reached) realistically expect to be needed for the Hearing. In the meantime, the Parties are requested to reserve 10 hearing days commencing Monday, September 21, 2026 (i.e. until Friday October 2, 2026).

22. Recordings of Hearings and Sessions

Arbitration Rule 29(4)(i)

22.1. Recordings shall be made of all hearings and sessions. The recordings shall be provided to the Parties and the Tribunal Members.

22.2. Verbatim transcript(s) in the procedural language shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the Parties or ordered by the Tribunal, the verbatim transcripts shall, if possible, be available in real-time and electronic transcripts shall be provided to the Parties and the Tribunal on a same-day basis.

22.3. The Parties shall agree on any corrections to the transcripts based on the English audio recording and any other language recording taken at the hearing within a minimum of 45 days of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter in the transcripts (“revised transcripts”). The Tribunal shall decide upon any disagreement between the Parties and any correction adopted by the Tribunal shall be entered by the court reporter in the revised transcripts.

23. Post-Hearing Memorials and Statements of Costs

Convention Article 44; Arbitration Rules 51

23.1. Whether or not Post-Hearing Memorials will be required and, if so, in what form, will be addressed prior to the conclusion of the hearing. The form of and deadline for the submission of Statements of Costs will also be decided prior to the conclusion of the hearing.

24. Transparency Matters

Convention Article 48(5), Arbitration Rules 62-66

24.1. The Parties agree that the transparency regime governing these proceedings is dealt with in Procedural Order No. 2.

25. Data Privacy and Cybersecurity

25.1. The Members of the Tribunal, the Parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this arbitration proceeding.

25.2. The Members of the Tribunal, the Parties and their representatives agree to comply with all applicable data protection and privacy regulations, including providing appropriate notice to data subjects whose personal data will be processed in the arbitration proceeding, where necessary. Should compliance with applicable law require action from another participant in the arbitration proceeding, the Parties are

invited to bring that to the attention of that other participant and/or to apply to the Tribunal for specific data protection measures to be put in place.

- 25.3. The Parties and their representatives shall ensure that the storage and exchange of the personal data processed in this arbitration is protected by way of appropriate technical and organizational safeguards.

26. Amicable Dispute Settlement

- 26.1. The Tribunal notes that the Parties may seek to reach an amicable settlement of all or part of the dispute, including through mediation under the ICSID Mediation Rules, at any time in the proceeding.

On behalf of the Tribunal,

[signed]

Ms. Meg Kinnear
President of the Tribunal
Date: February 27, 2025

Annex A – Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files and for the accompanying Consolidated Hyperlinked Index. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

All pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (e.g. SPA=Spanish; FR=French; ENG= English). Such indication should be reflected both i) in the name used to identify each individual electronic file and ii) in the Consolidated Hyperlinked Index (which shall be attached to each submission).

For cases with a single procedural language, the “LANGUAGE” designation may be omitted, except for documents in a language other than the procedural language and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<i>Memorial on Jurisdiction-FR</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction-SPA</i>
	<i>Reply on Annulment-FR</i>
	<i>Rejoinder on Quantum-ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-####–LANGUAGE
	R-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S FACTUAL EXHIBITS
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001-FR</i>
	<i>R-0002-SPA</i>
	Legal Authorities
RL-####–LANGUAGE	
To be produced sequentially throughout the case.	
CLAIMANT’S LEGAL AUTHORITIES	
<i>CL-0001-ENG</i>	
<i>CL-0002-FR</i>	
RESPONDENT’S LEGAL AUTHORITIES	
<i>RL-0001-SPA</i>	
<i>RL-0002-ENG</i>	
Witness Statements	Witness Statement–Name of Witness–Name of Submission–LANGUAGE
	<i>Witness Statement-Maria Jones-Memorial on Jurisdiction-SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement]-ENG</i>
Expert Reports	Expert Report–Name of Expert–Type–Name of Submission–LANGUAGE
	<i>Expert Report-Lucia Smith-Valuation-Memorial on Quantum-ENG</i>
	<i>Expert Report-Lucia Smith-Valuation-Reply on Quantum-[Second Report]-ENG</i>
Legal Opinions	Legal Opinion–Name of Expert–Name of Submission–LANGUAGE
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits-FR</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion]-FR</i>
Exhibits to	WITNESS/EXPERT INITIALS–###

Witness Statements, Expert Reports, Legal Opinions	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>
	<i>MJ-0001</i>
	<i>MJ-0002</i>
	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-0001</i>
	<i>TK-0002</i>
	<i>For exhibits filed with the Expert Report of [Lucia Smith]</i>
	<i>LS-0001</i>
<i>LS-0002</i>	
INDICES	Consolidated Hyperlinked Index
	Index of Exhibits-C-#### to C-####
	<i>Index of Exhibits-C-0001 to C-0023</i>
	Index of Legal Authorities-RLA-### to RLA-###
<i>Index of Legal Authorities-RLA-0001 to RLA-0023</i>	
OTHER APPLICATIONS	Name of Application–[Party]-LANGUAGE
	<i>Preliminary Objections under Rule 41(5)-SPA</i>
	<i>Request for Bifurcation-ENG</i>
	<i>Request for Provisional Measures-[Respondent]-SPA</i>
	<i>Request for Production of Documents-[Claimant]-SPA</i>
	<i>Request for Stay of Enforcement-FR</i>
	<i>Request for Discontinuance-[Claimant]-ENG</i>
	<i>Post-Hearing Brief-[Claimant]-SPA</i>
<i>Costs Submissions-[Respondent]-ENG</i>	
<i>Observations to Request for [XX]-[Claimant]-SPA</i>	

Annex B – Schedule

Event	Date	Interval (weeks)
Respondent's Security for Costs Application	7 March 2025	
Claimant's Reply to the Security for Costs Application	4 April 2025	4 weeks
Hearing on Security for Costs Application	16 April 2025 (1 p.m. Washington, D.C. time)	12 days
Decision by the Tribunal on Security for Costs Application	16 May 2025	30 days
Claimant' Memorial	30 June 2025	Approx. 19 weeks from the date of First Session
Respondent's Counter-Memorial on the Merits and Memorial on Jurisdiction	7 November 2025	Approx. 19 weeks from the date of the Memorial
Parties to Advise the Tribunal on Duration of Hearing	21 November 2025	2 weeks
Parties' Requests for Production of Documents	28 November 2025	Approx 2 weeks from the date of the Counter Memorial
Parties' Responses and/or Objections to Requests for Production of Documents	12 December 2025	2 weeks from the date of the Requests
Parties' Replies to Objections to Requests for Production of Documents	17 December 2025	1 week from the date of the Responses to the Requests
Parties to confer among themselves as to whether they can resolve any objections to production	18 December 2025	1 day
Parties to file request for Tribunal to decide outstanding objections to production, if any	19 December 2025	1 day
Parties' Production of Documents which are not subject to Objections	9 January 2025	6 weeks from receiving the Requests for Production of Documents
Tribunal's Decision on Objections to Requests for Production of Documents	23 January 2026	5 weeks from submission of the Disputed Requests to the Tribunal
Parties' Production of Documents ordered by Tribunal	6 February 2026	2 weeks from Tribunal's Decision
Claimant' Reply on the Merits and Counter-Memorial on Jurisdiction	20 February 2026	13 weeks
Respondent's Rejoinder on the Merits and Reply on Jurisdiction	22 May 2026	13 weeks
Claimant' Rejoinder on Jurisdiction	12 June 2026	3 weeks

Event	Date	Interval (weeks)
Parties to confirm which witnesses and experts they wish to examine	26 June 2026	2 weeks
Tribunal to indicate whether it wishes to examine any witnesses/experts not called for examination by the Parties	10 July 2026	2 weeks
Pre-Hearing Organizational Meeting	30 July 2026	At least 4 weeks before the Hearing
Hearing on Jurisdiction and Merits	Commencing 21 September 2026; duration to be determined (see §21.7)	