

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Azienda Elettrica Ticinese

v.

Federal Republic of Germany

(ICSID Case No. ARB/23/47)

PROCEDURAL ORDER No. 5
On Document Production

Members of the Tribunal

Sir Christopher Greenwood GBE, CMG, KC, President of the Tribunal

Mr. John Beechey CBE, Arbitrator

Prof. Campbell McLachlan KC, Arbitrator

Secretary of the Tribunal

Ms. Anna Holloway

August 2, 2025

1. The Parties filed their document production requests in the form of Redfern schedules, as required by Procedural Order No. 2, on 11 June 2025 and, with leave of the Tribunal, in correspondence dated 11 June 2025, 27 June 2025 and 7 July 2025.
2. The Tribunal's decisions regarding those requests are set out in Schedule A (Claimant's Requests for Production) and Schedule B (Respondent's Requests for Production). For the avoidance of doubt, the Tribunal emphasizes that nothing in its decisions on document production, or the reasons given therefor, is to be taken as a decision or expression of view on any of the issues of fact, jurisdiction, merits or quantum raised in the pleadings.
3. In view of the decision of the Tribunal to permit each Party to file additional correspondence, the initial dates for production can no longer be maintained. Production should therefore take place by 15 September 2025 unless the Parties agree on alternative scheduling proposals and these are endorsed by the Tribunal. This amended deadline is reflected in the updated procedural calendar (Annex A to Procedural Order No. 2) attached to this order.
4. Production shall follow the requirements in Procedural Order No. 2.
5. If a Party wishes to claim privilege in respect of a particular document, it must produce a privilege log identifying the document in question, its date, the sender and recipient(s), the type of document and the basis on which privilege is claimed, in the format set forth in Annex B to Procedural Order No. 2, reattached to this order for the sake of convenience. The privilege log should be submitted to the Tribunal by 15 September 2025. No other amendments to the procedural calendar have been made.
6. The requirements in paragraph 5, above, also apply to any claim to resist production on any of the other grounds listed in Article 9(2) of the IBA Rules on the Production of Evidence.
7. The Parties are reminded that documents produced in accordance with this Order or on a voluntary basis do not form part of the record in the proceeding unless and until they are submitted by a party with one of that Party's pleadings or in accordance with any subsequent direction by the Tribunal.

On behalf of the Tribunal,

[signed]

Sir Christopher Greenwood
President of the Tribunal
Date:
August 2, 2025

ANNEX A TO PROCEDURAL ORDER NO. 2
PROCEDURAL CALENDAR
(UPDATED ON AUGUST 2, 2025)

Description	By	Days	Date
First Session	All		Friday, April 19, 2024
Memorial	Claimant	98	Friday, July 26, 2024
[Date for scheduling hearing]	All		Approx. Friday, January 31, 2025
Counter-Memorial on the Merits <i>[and Memorial on Jurisdiction (if applicable)]*</i>	Respondent	243	Wednesday, March 26, 2025
Requests for Production of Documents	Claimant and Respondent	28	Wednesday, April 23, 2025
Production of Non-Objected Documents and Objections	Claimant and Respondent	28	Wednesday, May 21, 2025
Responses to Objections - Sent to Tribunal	Claimant and Respondent	14	Wednesday, June 4, 2025
Letter & Document Production Application to the Tribunal	Claimant and Respondent	7	Wednesday, June 11, 2025
Decision on Requests	Tribunal		Saturday, August 2, 2025
Production as Ordered (and submission of privilege log to the Tribunal)	Claimant and Respondent		Monday, September 15, 2025
CMC No. 1	All		TBD
Reply on the Merits <i>[and Counter-Memorial on Jurisdiction (if applicable)]</i>	Claimant	121	Friday, December 12, 2025
Rejoinder on the Merits <i>[and Reply on Jurisdiction (if applicable)]**</i>	Respondent	129	Monday, April 20, 2026
<i>[Rejoinder on Jurisdiction (if applicable)]</i>	Claimant	56	Monday, June 15, 2026
Notification of Witnesses and Experts	Claimant and Respondent	14	Monday, June 29, 2026
Notification of Witnesses and Experts not called by the Parties	Tribunal	14	Monday, July 13, 2026

Description	By	Days	Date
CMC No. 2*** (incl. Hearing Organization)	All		TBD
Hearing Commencement	All		TBD
Hearing Ends	All		TBD
Corrections to Hearing Transcripts	Claimant and Respondent		<i>TBD</i>
<i>[Simultaneous Post-Hearing Briefs]</i>	<i>Claimant and Respondent</i>		<i>TBD</i>
<i>[Simultaneous Reply Post-Hearing Briefs]</i>	<i>Claimant and Respondent</i>		<i>TBD</i>
Simultaneous Costs Submissions	Claimant and Respondent		TBD
Award	Tribunal		TBD
<p><i>* If the Respondent seeks bifurcation of the proceeding, Arbitration Rule 44(1) shall apply, and the Tribunal will determine the Procedural Timetable that is to follow as part of that process.</i></p> <p><i>** an extra 8 days has been provided for this step, given the intervention of the Christmas and New Years period.</i></p> <p><i>*** per AR 31, additional CMCs can be scheduled in the procedural calendar</i></p>			

ANNEX C TO PROCEDURAL ORDER NO. 2
PRIVILEGE LOG

Requesting party: Requesting party

Requested party: Requested party

Doc. No.	Date of issuance (in chronological order)	Author/Sender (identifying any attorney to the Requested party)	Recipient(s) (including any individuals in copy)	Brief description of the Document or Category of the Documents	Asserted privilege	Reasons for objection