

Niko Resources (Bangladesh) Ltd.

v.

**Bangladesh Petroleum Exploration & Production Company Limited (“Bapex”), and
Bangladesh Oil Gas and Mineral Corporation (“Petrobangla”)
(ICSID Case Nos. ARB/10/11 and ARB/10/18)****Procedural Order No. 8**

Directions for the Procedural Consultation on 12 November 2014

In Procedural Order No 7 the Tribunals informed the Parties of their intention to appoint one or several experts to examine technical issues relevant for their decision on the Compensation Declaration (the “Tribunal Experts”). They announced that they wished to consult the Parties about the choice of the Tribunal Experts and the terms of their engagement. For this purpose a Procedural Consultation has been convened for Wednesday 12 November 2014. The consultation is to take place by videoconference.

The Claimant has identified to the ICSID Secretariat the persons whom it wishes to attend the Procedural Consultation. The Tribunals invite the Respondents to submit their list of participants by Monday, 9 November 2014 at the latest.

The Tribunals confirm that, on their side, the consultation will be attended by the President of the Tribunals alone. The substance of the consultation was the subject of prior consultations among the members of the Tribunals. The President will report the content of the consultation to the other members of the Tribunals. Any decisions on subjects to be discussed at the Procedural Consultation will be taken only after deliberations by the full Tribunals.

The ICSID Secretariat has made technical arrangements for the video conference and informed the participants to the consultation directly of the time at their respective locations and other practical matters.

The principal objective of the procedural consultation is for the Tribunals to consider with the Parties the adjustments to the procedure and its timetable following Procedural Order No 7. This concerns in particular the Tribunal Experts. Other pending procedural questions may also be addressed.

At this stage the Tribunals have identified the following principal points that they wish to consider with the Parties:

1. Concerning the Tribunal Experts:
 - 1.1 Mandate of the Tribunal Experts: see P.O. No 7; what further details are required?
 - 1.2 Choice of the Tribunal Experts: recommendations of candidates, sources for further recommendations, consultations with the Parties
 - 1.3 Documents to be delivered to the chosen Tribunal Experts
 - 1.4 Communications between the Tribunal Experts, the Parties and the Claimant’s experts during the course of their mission
 - 1.5 Reporting by the Tribunal Experts
 - 1.6 Hearing of the Tribunal Experts, questioning by the Parties and confrontation with the Claimant’s experts

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2. The Procedure on the Compensation Declaration
 - 2.1 Scope of the principal hearing (witnesses, experts and argument)
 - 2.2 Timing of the hearing (provisional)
 - 2.3 Other aspects to be considered
3. The Procedure on the Payment Claim:
 - 3.1 Report about the Parties’ consultations
 - 3.2 Possible further steps in the procedure

This list is provisional. It may be extended and the Parties are free to add other points they wish to address at the occasion of the conference.

The Secretariat will make an audio recording of the procedural conference and the Tribunals intend to prepare summary minutes. Unless the Parties also require a verbatim transcript, the Tribunals are of the view that no such transcript is needed. The Tribunals have received the Claimant’s email in that regard and note that the Claimant sees no need for court reporting services to be provided at the Procedural Consultation.

[Signed]

On behalf of the two Arbitral Tribunals
Michael E. Schneider
President
7 November 2014