

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Corona Materials, LLC

v.

Dominican Republic

(ICSID Case No. ARB(AF)/14/3)

PROCEDURAL ORDER NO. 3

Prof. Pierre-Marie Dupuy, President of the Tribunal
Mr. Fernando Mantilla-Serrano, Arbitrator
Mr. J. Christopher Thomas, QC, Arbitrator

Secretary of the Tribunal

Ms. Mercedes Cordido-Freytes de Kurowski

Date of the Order: April 19, 2016

I. INTRODUCTION

1. On April 12, 2016, during the second day of the Hearing on Preliminary Objections held on April 11-12, 2016 at the World Bank Conference Centre in Paris (the “Hearing”), the President of the Tribunal brought to the parties’ attention a point relating to the place of arbitration under the ICSID Additional Facility Rules, specifically the place where the Award is made.
2. The President of the Tribunal noted that in accordance with Article 20(3) of the ICSID Arbitration (Additional Facility) Rules “the award shall be made at the place of arbitration”.
3. The President recalled that during the first session between the Tribunal and the parties held on December 9, 2015, by telephone conference, and as reflected under Section 10.1 of the Tribunal’s Procedural Order No. 1 of December 16, 2015 (“PO No. 1”), the parties agreed that Washington, D.C. shall be the place (legal seat) of the arbitration.
4. During the first session, it was further agreed that “the Tribunal may hold hearings at any place that it considers appropriate following consultation with the parties” (Section 10.2 of PO No. 1); and that “The Tribunal may deliberate at any place it considers convenient” (Section 10.3 of PO No. 1).
5. Given the short timeframe mandated by the DR-CAFTA for the Tribunal to decide on Respondent’s Preliminary Objections request, and in order to avoid for the three Tribunal members to have to travel to Washington, D.C. only for the signing of the award, the President of the Tribunal submitted, on behalf of the Tribunal, for the parties’ consideration, the convenience of approving the following proposal, which was read out during the Hearing: “The parties agree that the Members of the Tribunal may agree on the text of the award by correspondence or other means of communication and sign the final text without meeting in person at the place of arbitration. The parties agree that wherever the award is signed by each arbitrator, it is deemed to have been made at the place of

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arbitration (Washington, D.C.).” Both parties expressed their agreement with the Tribunal’s proposal.

6. Considering the above, the Tribunal now issues the present order.

II. ORDER

7. The Tribunal confirms that during the Hearing and at the Tribunal’s proposal, the parties reached the following agreement:

“The parties agree that the Members of the Tribunal may agree on the text of the award by correspondence or other means of communication and sign the final text without meeting in person at the place of arbitration. The parties agree that wherever the award is signed by each arbitrator, it is deemed to have been made at the place of arbitration (Washington, D.C.).”

[signed]

Mr. Fernando Mantilla-Serrano
Arbitrator

[signed]

Mr. J. Christopher Thomas QC
Arbitrator

[signed]

Prof. Pierre-Marie-Dupuy
President of the Tribunal