

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Gavrilović and Gavrilović d.o.o.

v.

Republic of Croatia

(ICSID Case No. ARB/12/39)

PROCEDURAL ORDER NO. 6

Michael C. Pyles, President of the Tribunal
Stanimir A. Alexandrov, Arbitrator
J. Christopher Thomas QC, Arbitrator

Secretary of the Tribunal
Jara Minguez Almeida

Assistant to the Tribunal
Albert Dinelli

13 September 2016

I. PROCEDURAL HISTORY

1. Pursuant to Section 21 of Procedural Order No. 1 a Pre-Hearing Organizational Meeting was scheduled to take place via conference call on 14 September 2016, in order to resolve any outstanding procedural, administrative, and logistical matters in advance of the hearing for Closing Arguments (the “Hearing”). On 1 September 2016, the Secretary of the Tribunal circulated a draft Agenda for the Pre-Hearing Organizational Meeting.
2. On 12 September 2016, the Parties submitted joint comments on the Draft Agenda for the Pre-Hearing Organizational Meeting.
3. On 13 September 2016, having reviewed the Parties’ comments and the extent of the Parties’ agreements, the Tribunal invited the Parties to confirm whether they still considered that a conference call was necessary. By separate emails on the same day, both Parties confirmed that there were no further issues that they wished to address during the Pre-Hearing Organizational Meeting. In light of the above, the Tribunal cancelled the call scheduled for 14 September 2016.
4. The Tribunal now issues the present order.

II. ORGANIZATION OF THE HEARING

5. The Tribunal has taken note of the areas of agreement between the Parties included in their comments on the draft Agenda for the pre-hearing organizational call.
6. Having considered the Parties’ positions, the Tribunal issues this Procedural Order setting out the Procedural Rules that the Parties have agreed upon and/or the Tribunal has determined will govern the conduct of the Hearing.

A. Date and Venue

7. The Hearing will take place on 21 and 22 September 2016.
8. The Hearing will take place in Conference Room MC 4-800 (4th Floor) of the World Bank Main Complex Building, located at 700 18th Street N.W., Washington, D.C., as previously informed in ICSID’s communication of 10 August 2016.

B. Daily Schedule

9. On the first day, the Hearing will commence at 10:00 a.m. and it will conclude at 6:00 p.m. On the second day, the Hearing will commence at 10:00 a.m. and it will conclude at 5:00 p.m. (approximately).

C. Time Allocation

10. The Parties have agreed to reserve four hours for the Claimants' statements (excluding Tribunal questions); four hours for the Respondent's statements (excluding Tribunal questions); and the remainder of the time, for Tribunal questions and responses.
11. The Secretary of the Tribunal shall act as the timekeeper and use a chess clock approach.

D. Order of Proceedings

12. The Parties have agreed to the following day-to-day agenda during the Hearing:

Day 1: Wednesday, 21 September 2016, beginning at 10:00 a.m.

TIME	PROCEDURAL STEP
10:00 a.m. <i>(including short coffee break)</i>	Claimants' closing statement (max 3 hours) and Tribunal questions
1:30 p.m.	Lunch Break
2:30 p.m. – 6:00 p.m. <i>(including short coffee break)</i>	Respondent's closing statement (max 3 hours) and Tribunal questions

Day 2: Thursday, 22 September 2016, beginning at 10:00 am

TIME	PROCEDURAL STEP
10:00 a.m.	Claimants' rebuttal statement (max 1 hour) and Tribunal questions
11:00 a.m.	Extended break
12:00 p.m.	Respondent's rebuttal statement (max 1 hour) and Tribunal questions
1:00 p.m.	Lunch Break
2:00 p.m. – 5:00 p.m. <i>(including short coffee break)</i>	Tribunal's Questions

E. Documents for Use at the Hearing

13. The provisions of Procedural Order No. 1, Section 17.7 concerning Demonstrative Exhibits remain applicable.
14. In addition, promptly after the conclusion of the Hearing day in which the corresponding Demonstrative Exhibit is used, the Parties shall upload the Demonstrative Exhibit to the case folder in the electronic file sharing system (“BOX”), assigning it a consecutive exhibit number.

F. Audio Recording and Hearing Transcripts

15. The provision of Procedural Order No. 1, Section 23.1 on audio recording applies.
16. The provisions of Procedural Order No. 1, Section 23.3 and 23.4 on transcripts apply.

G. Statement of Costs

17. The Parties shall file Statements of Costs **on Friday, 21 October 2016**. If responses to the Statements of Costs are filed, they shall be submitted on Friday, 4 November 2016.

H. Logistical Items

18. The logistical details (e.g., confirmation of room number assignments, list of Hearing participants, set up details, details on court reporting and interpretation services, internet access, audio-visual equipment and catering orders) are being handled through correspondence directly by the ICSID Hearing Organization Team.
19. The set up for the Hearing is currently scheduled for **Tuesday, 20 September 2016 between 11:00 a.m. and 5:00 p.m.**

[signed]

Michael C. Pryles
President of the Tribunal
Date: 13 September 2016