

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Eco Oro Minerals Corp.

Claimant

v.

Republic of Colombia

Respondent

(ICSID Case No. ARB/16/41)

PROCEDURAL ORDER No. 3

Members of the Tribunal

Mrs. Juliet Blanch, President of the Tribunal
Professor Horacio A. Grigera Naón, Arbitrator
Professor Philippe Sands, Arbitrator

Secretary of the Tribunal

Mrs. Ana Constanza Conover Blancas

Assistant to the President of the Tribunal

Mr. João Vilhena Valério

29 August 2018

Procedural Order No. 3

I. PROCEDURAL BACKGROUND

1. By emails of 17 and 20 August 2018, the Parties informed the Tribunal that they had agreed to propose to the Tribunal amendments to Scenario 3 of Annex A to Procedural Order No. 1 regarding the timetable for the remaining procedural steps in the arbitration. In addition, the Parties proposed to reserve the last two weeks of January 2020 (*i.e.*, 20-31 January 2020) for the hearing, “subject to determining at a later date, in consultation with the Parties and the Tribunal, whether the full two-week period will be required for the hearing.”
2. By communication of 20 August 2018, the Tribunal invited the Parties to confirm, by 24 August 2018, their availability to hold the pre-hearing organizational meeting set out in Section 20 of Procedural Order No. 1 on 20 December 2019 (rather than 23 December 2019, as proposed by the Parties). In addition, concerning Section 21.2 of Procedural Order No. 1, the Tribunal invited the Parties to confirm, by 24 August 2018, that it was their agreement to hold the hearing in Washington, D.C.
3. By emails of 24 August 2018, the Parties confirmed their availability to hold the pre-hearing organizational meeting on 20 December 2019, as well as their agreement to hold the hearing in Washington, D.C.
4. The Tribunal confirms its availability to hold a hearing in the period between 20 to 31 January 2020 and approves the amendments to Scenario 3 of Annex A to Procedural Order No. 1 proposed by the parties in their communications of 17 and 20 August 2018, including the revised date for the pre-hearing organizational meeting confirmed by the Parties on 24 August 2018. The Tribunal issues this Procedural Order No. 3, memorializing such amendments.

II. ORDER

5. Annex A to Procedural Order No. 1 is hereby amended as follows:

Annex A – Procedural Calendar

Eco Oro Minerals Corp. v. Republic of Colombia **(ICSID Case No. ARB/16/41)**

[...]

SCENARIO 3

The following timetable shall apply in the event that objections to jurisdiction are made in response to the memorial on the merits, and there is a request for bifurcation which is refused.

Description	Party / Tribunal	Period of Time	Due Date
Counter-Memorial on the Merits and Memorial on Jurisdiction	Respondent	+119 days from Decision Refusing Bifurcation	25 October 2018
Cut-off date for submission of applications for leave to file a Non-Disputing Party submission	Non-Disputing Parties	+5 days from Counter-Memorial on Merits and Memorial on Jurisdiction	30 October 2018
Comments on the applications from Non-Disputing Parties seeking leave to file submissions	Parties	+21 days from applications from Non-Disputing Parties	20 November 2018
Requests for Production of Documents	Parties	+30 days from the Counter-Memorial on the Merits and Memorial on Jurisdiction	26 November 2018
Objections to Production Requests and Production of Uncontested Documents	Parties	+14 days from the Requests for Production of Documents	7 December 2018
Decision concerning applications from Non-Disputing Parties	Tribunal	+21 days from the Parties' Comments on the applications from Non-Disputing Parties seeking leave to file submissions	11 December 2018
Responses to Objections to Production Requests	Parties	+ 14 days from the Objections to Production Requests	21 December 2018

Description	Party / Tribunal	Period of Time	Due Date
Ruling on Parties' Requests for Production of Documents	Tribunal	+ 14 days from Responses to Objections to Productions Requests	7 January 2019
Deadline to file Non-Disputing Party submission	Non-Disputing Parties	+30 days from the Tribunal's Decision concerning applications from Non-Disputing Parties	10 January 2019
Document Production in accordance with the Tribunal's Rulings	Parties	+ 21 days from the Ruling on Parties' Requests for Production of Documents	28 January 2019
Reply on the Merits and Counter-Memorial on Jurisdiction	Claimant	+140 days from the Memorial on Jurisdictional Objections and Counter-Memorial on the Merits	14 March 2019
Rejoinder on the Merits and Reply on Jurisdiction	Respondent	+140 days from the Counter-Memorial on Jurisdictional Objections and Reply on the Merits	1 August 2019
Rejoinder on Jurisdiction	Claimant	+60 days from Reply on Jurisdictional Objections and Rejoinder on the Merits	30 September 2019
Witness notification	Claimant & Respondent	45 days before the Hearing	6 December 2019
Pre-Hearing Organizational Meeting	All	30 days before the Hearing	20 December 2019
Hearing	All	within 60 to 120 days from Rejoinder on Jurisdictional Objections	in the period between 20-31 January 2020

6. The hearing provided for in Section 21 of Procedural Order No. 1 will be held in Washington, D.C. from 20 to 31 January 2020, subject to determining at a later date, in consultation with the Parties and the Tribunal, whether the full two-week period will be required for the hearing.

On behalf of the Tribunal,

[Signed]

Mrs. Juliet Blanch
President of the Tribunal
Date: 29 August 2018