

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

**Claimant**

**v.**

**Respondent**

**(ICSID Case No. ARB/YY/XX)**

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**[DRAFT] PROCEDURAL ORDER NO. 1**

***Members of the Tribunal***

[ ], President of the Tribunal

[ ], Arbitrator

[ ], Arbitrator

***Secretary of the Tribunal***

[ ]

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[DATE]

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## **Introduction**

The first session of the Tribunal was held on [ ], at [ ] [a.m./p.m.], by [video conference]/at [ ]. The session was adjourned at [insert time].

A recording of the session was made and deposited in the archives of ICSID. The recording was distributed to the Members of the Tribunal and the parties.

Participating in the conference were:

### Members of the Tribunal:

[ ], President of the Tribunal

[ ], Arbitrator

[ ], Arbitrator

### ICSID Secretariat:

[ ], Secretary of the Tribunal

### On behalf of the Claimant[s]:

[ ], [Affiliation]

### On behalf of the Respondent[s]:

[ ], [Affiliation]

The Tribunal and the parties considered the following:

- The Draft Procedural Order No. 1 [and No. 2] circulated by the Tribunal Secretary on [insert date]; and
- The parties' comments on the Draft Procedural Order(s) received on [insert date(s)], indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.

Having considered the above documents and the parties' views, the Tribunal now issues the present Order:

## **Order**

Pursuant to ICSID Arbitration Rules 27 and 29, this Procedural Order sets out the Procedural Rules that govern this arbitration. The timetable is attached as Annex B [TBD].

1. Applicable Arbitration Rules

*Convention Article 44; Arbitration Rule 1*

- 1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of July 1, 2022.

2. Constitution of the Tribunal and Tribunal Members' Declarations

*Arbitration Rule 21*

- 2.1. The Tribunal was constituted on [insert date] in accordance with the ICSID Convention and the ICSID Arbitration Rules. The parties confirmed that the Tribunal was properly constituted and that no party has any objection to the appointment of any Member of the Tribunal.
- 2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 19(3)(b). Copies of these declarations were distributed to the parties by the ICSID Secretariat upon acceptance of each arbitrator's appointment on [insert dates].
- 2.3. The Members of the Tribunal confirmed that they have sufficient availability during the next 24 months to dedicate to this case and that they will use best efforts to meet all time limits for orders, decisions and the Award, in accordance with ICSID Arbitration Rule 12(1).

3. Fees and Expenses of Tribunal Members

*Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees; Memorandum on Fees and Expenses*

- 3.1. The fees and expenses of each Tribunal Member shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses in force at the time the fees and expenses are incurred.

4. Presence and Quorum

*Arbitration Rule 33*

- 4.1. The participation of a majority of the members of the Tribunal by any appropriate means of communications is required at the first session, case management conferences, hearings and deliberations, except as otherwise provided in the Arbitration Rules or unless the parties agree otherwise.

5. Rulings of the Tribunal

*Convention Article 48(1); Arbitration Rules 10, 11(4), 12, 27 and 35*

- 5.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.
- 5.2. Orders, decisions and the Award may be made by any appropriate means of communication.
- 5.3. Orders, decisions and the Award may be signed electronically.
- 5.4. The President is authorized to sign procedural orders and decisions on behalf of the Tribunal.
- 5.5. When the matter is urgent, the President may decide procedural matters without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal.
- 5.6. The Tribunal's orders and decisions shall indicate the reasons upon which they are made. The reasons may be minimal for non-controversial or minor procedural, administrative and organizational matters, e.g., extensions of time.
- 5.7. The Tribunal will use best efforts to issue all rulings, including the Award, within the time limits prescribed by the ICSID Arbitration Rules. If the Tribunal cannot comply with an applicable time limit, it will advise the parties of the special circumstances justifying the delay and the date when it anticipates rendering the ruling, in accordance with ICSID Arbitration Rule 12(2).
- 5.8. Any ruling of the Tribunal, including the certified copy of the Award, will be dispatched electronically to the parties.

6. Power to Fix Time Limits

*Arbitration Rules 10 and 11*

- 6.1. The President may exercise the Tribunal's power to fix and extend time limits for the completion of each procedural step in the proceeding under Arbitration Rules 10(1) and 11(3), in accordance with Arbitration Rules 10(3) and 11(4).
- 6.2. In exercising the power to fix time limits under Arbitration Rule 10(1), the President shall consult with the parties as far as possible. If the matter is urgent,

the President may fix time limits without consulting the parties, subject to possible reconsideration of such decision by the full Tribunal.

7. Secretary of the Tribunal

*Administrative and Financial Regulation 28*

- 7.1. The Tribunal Secretary is [NAME], Legal Counsel, ICSID, or such other person as ICSID may notify the Tribunal and the parties from time to time.
- 7.2. To send copies of communications by email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

[NAME]  
ICSID  
MSN C3-300  
1818 H Street, N.W.  
Washington, D.C. 20433  
U.S.A.  
Tel.: + 1 (202) [            ]  
Fax: + 1 (202) 522-2615  
Email: [            ]@worldbank.org  
Paralegal name: [NAME]  
Paralegal email: [            ]@worldbank.org  
[ICSID case address: [...]]@worldbank.org]

- 7.3. For local messenger deliveries, the contact details are:

[NAME]  
ICSID  
1225 Connecticut Ave. N.W.  
(World Bank C Building)  
3<sup>rd</sup> Floor  
Washington, D.C. 20036  
U.S.A.  
Tel.: +1 (202) 458-1534

8. Representation of the Parties

*Arbitration Rule 2*

- 8.1. Each party shall be represented by its counsel (below) and may designate additional agents, counsel, or advocates by notifying the Tribunal and the Tribunal Secretary promptly of such designation.

For the Claimant[s]

For the Respondent[s]

X  
Postal Address  
Tel.:  
Email:

Y  
Postal Address  
Tel.:  
Email:

9. Apportionment of Costs and Advance Payments to ICSID – Division of Advances  
*Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 50*

- 9.1. The parties shall cover the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 9.2. Following registration of the Request for arbitration, by letter of [insert date], ICSID requested that the Claimant(s) pay US\$[ ] to cover the initial costs of the proceeding through the first session. ICSID received the Claimant(s)' payment on [insert date]. Upon the constitution of the Tribunal, by letter of [insert date], ICSID requested that the parties pay US\$[ ] to defray the estimated costs of the subsequent phase of the proceeding. Payment made by the Claimant(s) on [insert date] is considered a partial payment toward that sum. [ICSID received the Respondent's payment on [insert date].]
- 9.3. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account.

10. Place of Proceeding and Hearings  
*Convention Articles 62 and 63; Arbitration Rule 32*

- 10.1. [Insert city and state/province] shall be the place of the proceeding.
- 10.2. The Tribunal may hold in-person hearings at any other place that it considers appropriate after consultation with the parties. The method of holding a hearing will be determined in accordance with §20.2.
- 10.3. The Tribunal members may deliberate at any place and by any appropriate means they consider convenient.

11. Procedural Language(s), Translation and Interpretation  
*Administrative and Financial Regulation 32; Arbitration Rule 7*

**Option 1: One Language**

11.1. [Insert language] is the procedural language of the arbitration.

***[For Documents and Communications]***

11.2. The Tribunal and the Secretariat shall communicate with the parties in [insert procedural language].

11.3. Documents filed in any other language must be accompanied by a translation into [insert procedural language].

11.4. It is sufficient to translate only the relevant part of a supporting document, unless the Tribunal orders a party to provide a fuller or a complete translation.

11.5. Translations need not be certified, unless the translation is disputed and the Tribunal orders a party to provide a certified translation.

11.6. Documents exchanged between the parties in a language other than [insert procedural language] under §[15] below (Production of Documents) need not be translated.

***[For Hearing]***

11.7. The parties will notify the Tribunal which witnesses or experts require interpretation, no later than when notifying which witnesses and experts are called for examination at the hearing (see Schedule Annex B below) and as soon as possible.

11.8. The testimony of a witness called for examination during the hearing is required to give evidence in a language other than in [insert procedural language] shall be interpreted, simultaneously if possible.

11.9. The costs of interpretation will be paid from the advance payments made by the parties, without prejudice to the decision of the Tribunal as to which party shall ultimately bear those costs.

**Option 2: Two Languages - Using Either Procedural Language**

11.10. [Insert procedural language 1] and [insert procedural language 2] are the procedural languages of the arbitration.

***[For Documents and Communications]***

11.11. The Tribunal and the Secretariat may communicate in either procedural language.



- 11.12. Any document (*e.g.* written requests, applications, pleadings, expert opinions, witness statements, or supporting documents) may be filed in either procedural language.
- 11.13. Any documents in another language shall be accompanied by a translation into either procedural language, unless the Tribunal orders translation into both procedural languages. It is sufficient to translate only the relevant part of a supporting document, unless the Tribunal orders a party to provide a fuller or a complete translation.
- 11.14. Translations need not be certified, unless the translation is disputed and the Tribunal orders a party to provide a certified translation.
- 11.15. Documents exchanged between the parties pursuant to §[15] below (Production of Documents) may be produced in the original language and need not be translated.

***[For Hearing]***

- 11.16. The parties will notify the Tribunal as soon as possible, and no later than at the case management for hearing organization (see §[19] below), which witnesses or experts require interpretation.
- 11.17. The Tribunal will, in consultation with the parties, determine whether simultaneous interpretation into both procedural languages will be provided during the hearing.
- 11.18. The testimony of a witness who prefers to give evidence other than in the [insert procedural languages] language(s) shall be interpreted simultaneously into either procedural language, unless the Tribunal orders interpretation into both procedural languages.
- 11.19. The costs of interpretation will be paid from the advance payments made by the parties, without prejudice to the decision of the Tribunal as to which party shall ultimately bear those costs.

***[For Tribunal's Documents Except the Award]***

*Option A*

- 11.20. The Tribunal may make any order or decision in [insert language] and subsequently issue that order or decision in [insert language]. Both language versions shall be equally authentic.

*Option B*

- 11.21. The Tribunal may make any order or decision in either procedural language.

***[For Tribunal's Award]***

*Option A*

11.22. The Tribunal shall render the award in [insert language] and [insert language] simultaneously. Both language versions shall be equally authentic.

*Option B*

11.23. The Tribunal shall render the award only in [insert language].

**Option 3: Two Procedural Languages**

11.1. [Insert language] and [insert language] are the procedural languages of the arbitration.

***[For Documents and Communications]***

11.2. The Tribunal and the Secretariat may communicate in either procedural language.

11.3. Any written requests or applications from the parties may be filed in either procedural language, provided that a translation of such document to the other procedural language is filed within [#] days thereafter.

11.4. Pleadings, expert opinions, witness statements, and any other supporting documents shall be filed in either procedural language, provided that a translation of such document to the other procedural language is filed within [#] days thereafter.

11.5. It is sufficient to translate only the relevant part of a supporting document, unless the Tribunal requires a fuller or a complete translation.

11.6. Translations need not be certified, unless the translation is disputed and the Tribunal orders a party to provide a certified translation.

11.7. Documents exchanged between the parties pursuant to §[15] below (Production of Documents) may be produced in the original language and need not be translated.

***[For Hearing]***

11.8. The parties will notify the Tribunal, as soon as possible, and no later than at the case management for hearing organization (see §[19] below), which witnesses or experts require interpretation.

11.9. The Tribunal, in consultation with the parties, will determine whether simultaneous interpretation into both procedural languages will be provided during the hearing.

11.10. The testimony of a witness called for examination during the hearing who prefers to give evidence other than in the [insert procedural languages] language(s) shall

be interpreted simultaneously into either procedural language, unless the Tribunal orders interpretation into both procedural languages.

11.11. The costs of interpretation will be paid from the advance payments made by the parties, without prejudice to the decision of the Tribunal as to which party shall ultimately bear those costs.

***[For Tribunal's Documents Except the Award]***

*Option A*

11.12. The Tribunal may initially make any order or decision in [insert language] and subsequently issue that order or decision in [insert language]. Both language versions shall be equally authentic.

*Option B*

11.13. The Tribunal shall make any order or decision in [insert language] and [insert language]. Both language versions shall be equally authentic.

*Option C*

11.14. The Tribunal may make any order or decision in either procedural language.

***[For Tribunal's Award]***

*Option A*

11.15. The Tribunal shall render the award in [insert language] and [OR] [insert language] simultaneously. Both language versions shall be equally authentic.

*Option B*

11.16. The Tribunal shall render the award only in [insert language].

12. Routing of Communications  
*Arbitration Rule 6*

**Option 1: Direct Communication Between Parties**

- 12.1. The ICSID Secretariat shall be the channel of written communications between the parties and the Tribunal.
- 12.2. Each party's written communications shall be transmitted by email or other electronic means to the opposing party and to the Tribunal Secretary, who shall send them to the Tribunal [and the Assistant].
- 12.3. Electronic versions of communications ordered by the Tribunal to be filed simultaneously shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing party and the Tribunal [and the Assistant].
- 12.4. The Tribunal Secretary shall not be copied on direct communications between the parties when such communications are not intended to be transmitted to the Tribunal.

**Option 2: Direct Communication Between Parties and Tribunal**

- 12.5. Written communications in the case shall be transmitted by email or other electronic means to the parties, the Tribunal Secretary, [the Assistant] and the Tribunal.
- 12.6. Electronic versions of communications to be filed simultaneously (by order of the Tribunal or agreement of the parties) shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing party and the Tribunal.
- 12.7. The Tribunal Secretary shall not be copied on communications between the parties when such communications are not intended to be transmitted to the Tribunal.
- 12.8. The email addresses of the Members of the Tribunal are:

X	Y	Z
Email	Email	Email

13. Number of Copies and Method of Filing of Parties' Pleadings  
*Arbitration Rules 4, 5 and 9*

- 13.1. By the relevant filing date, the parties shall:

- 13.1.1. submit by email to the Tribunal Secretary and the opposing party an electronic version of the pleading with witness statements, expert reports and an index of all supporting documentation;<sup>1</sup> and
- 13.1.2. upload the pleading with all the supporting documentation and updated index to the file sharing platform that has been created by ICSID for purposes of this case.<sup>2</sup>

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[To be discussed by the parties]

- 13.2. Electronic files of pleadings, witness statements, expert reports, exhibits and legal authorities shall be text searchable (i.e., OCR PDF or Word).
- 13.3. All pleadings shall contain consecutively numbered paragraphs and shall be accompanied by a cumulative index of all the supporting documentation that the party has submitted up to the date of the pleading. The index shall indicate the document number and/ the pleading with which it was submitted, and shall follow the naming conventions contained in Annex A.
- 13.4. At the conclusion of the written phase of the proceeding, on a date to be determined by the Tribunal, or at any other time the Tribunal or the Secretariat so requests, the parties shall upload to the file sharing platform, in a format that can be readily downloaded, an electronic copy of the entire case file (including pleadings, witness statements, expert reports, exhibits, legal authorities and Tribunal decisions and orders to date) with a consolidated hyperlinked index of all documents.<sup>3</sup>
- 13.5. The official date of receipt of a pleading or written communication shall be the day on which the electronic file is sent to the Tribunal Secretary by email.
- 13.6. A filing shall be deemed timely if sent by a party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday, the relevant date is the subsequent business day.

#### 14. Number and Sequence of Pleadings – Procedural Calendar *Arbitration Rule 30*

- 14.1. To be discussed by the parties.

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<sup>1</sup> Please note that the World Bank server does not accept emails larger than 25 MB.

<sup>2</sup> Supporting documentation shall be uploaded as individual files, not in .zip format.

<sup>3</sup> To ensure the full operation of the hyperlinked index, the entire folder shall be housed within one folder and then uploaded to BOX as a single zip file. Should the size of the zip file make the upload to BOX impossible, the parties shall upload the organized folder to a designated sub-folder on to the BOX filesharing platform, in a sub-folder and including a consolidated (non-hyperlinked) index.

- Number and Sequence of Pleadings
- Hearings dates
- Time limits for Tribunal's decisions

15. Production of Documents

*Convention Article 43(a); Arbitration Rules 5 and 36-40*

- 15.1. To be discussed by the parties: scope, timing and procedure for request for production of documents

16. Submission of Documents

*Convention Article 44; Arbitration Rule 5*

- 16.1. The Memorial and Counter-Memorial shall be accompanied by the documentary evidence relied upon by the parties, including exhibits and legal authorities. Further documentary evidence relied upon by the parties in rebuttal shall be submitted with the Reply and Rejoinder.

- 16.2. The documents shall be submitted in the manner and form set forth in §[13], above.

- 16.3. Neither party shall be permitted to submit additional or responsive documents after the filing of its respective last written submission, unless the Tribunal determines that special circumstances exist based on a timely and reasoned written application followed by observations from the other party.

- 16.3.1. Should a party request leave to file additional or responsive documents, that party may not annex the documents that it seeks to file to its request.

- 16.3.2. If the Tribunal grants such an application for submission of an additional or responsive document, the Tribunal shall ensure that the other party is afforded sufficient opportunity to make its observations concerning such document.

- 16.4. The Tribunal may call upon the parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 36(3).

- 16.5. Documents shall be submitted in the following form:

- 16.5.1. The number of each Exhibit containing a document produced by Claimant shall be preceded by the letter "C-" for factual exhibits and "CL-" for legal exhibits containing authorities etc. The number for each Exhibit containing a document produced by Respondent shall be preceded by the letter "R-" for factual exhibits and "RL-" for legal exhibits containing authorities etc.

- 16.5.2. Exhibits and legal authorities shall be numbered consecutively throughout these proceedings, commencing with “C-0001” and “R-0001,” and “CL-001” and “RL-001” respectively. The number of the exhibit or legal authority shall appear on the first page of the document, and shall be incorporated into the file name in accordance with §[16.5.4].
- 16.5.3. A party may produce several documents relating to the same subject matter within one Exhibit, numbering each page of such Exhibit separately and consecutively.
- 16.5.4. Electronic files and the accompanying indexes shall follow the naming conventions contained in Annex A.
- 16.6. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a party, in which case the Tribunal will determine whether authentication is necessary.
- 16.7. The parties shall file all documents only once by submitting them with their pleadings.
- 16.8. The parties may use PowerPoint slides and demonstrative exhibits (such as charts, tabulations, etc. compiling information which is on record but not presented in such form), provided that they (i) identify the source in the record from which the information is derived, (ii) do not contain information not in the record.
- 16.9. An electronic copy of each demonstrative exhibit, other than PowerPoint slides, shall be distributed by the party intending to use it via an electronic mail sent to the entire case email distribution for each party, the Members of the Tribunals, the Tribunal Secretary, [the Assistant] to the court reporter and to the interpreters as necessary by [insert time and date].
- 16.10. In addition, promptly after the conclusion of the hearing day on which the corresponding demonstrative exhibit is used, the parties shall upload such demonstrative to the case folder in the BOX filesharing platform, designating each with the corresponding CD-\_\_ or RD-\_\_ number.

17. Witness Statements and Expert Reports

*Convention Article 43(a); Arbitration Rule 38*

- 17.1. Witness statements and expert reports shall be filed together with the parties’ pleadings.
- 17.2. Neither party shall be permitted to submit any testimony that has not been filed with the written submissions, unless the Tribunal determines that special

circumstances exist based on a reasoned written request followed by observations from the other party (following the procedure outlined in §[16.3]).

17.3. Each witness statement and expert report shall be signed and dated by the witness.

18. Examination of Witnesses and Experts

*Arbitration Rule 38*

18.1. To be discussed by the parties

19. Pre-Hearing Organizational Meetings

*Arbitration Rule 31*

19.1. A pre-hearing organizational meeting shall be held [on / at a date determined by the Tribunal after consultation with the parties]. It shall comprise a teleconference or videoconference between the Tribunal, or its President, and the parties and should address any outstanding procedural, administrative, and logistical matters (including modality of interpretation and transcription) in preparation for the hearing.

19.2. At a date to be determined by the Tribunal, and in any event no later than the date of the pre-hearing conference, the parties shall submit to the Tribunal jointly – or, where they are unable to agree, separately – a proposal regarding a daily schedule for the hearing.

20. Case Management Conferences

*Arbitration Rule 31*

20.1. The Tribunal shall convene case management conferences with the parties in accordance with ICSID Arbitration Rule 31 in order to (i) put in place a process to identify uncontested facts (e.g., through the submission of a joint chronology of facts); (ii) clarify and narrow the issues in dispute (e.g., by addressing tribunal questions, or submitting a decision tree, road map, matrix(es) and/or skeleton arguments); or (iii) address any other procedural or substantive issue related to the resolution of the dispute (e.g., the appointment of a Tribunal-appointed expert, or the production of evidence). It is expected that a case management conference will be held [on date/after first/second round of written submissions] in accordance with Annex B.

21. Hearings

*Arbitration Rule 32*



- 21.1. The oral procedure shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.
- 21.2. The hearing may be held in-person or by any other means of communication as determined by the Tribunal after consultation with the parties. An in-person hearing shall be held at a place to be determined in accordance with §[10] above.
- 21.3. Having due regard to the views of the parties and the specific circumstances of the case, the Tribunal may decide to hold a hearing remotely or in a hybrid form.
- 21.4. The hearing shall take place on [insert date, not before 4 weeks after the filing of the last written submission].
- 21.5. The Members of the Tribunal shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 21.6. [Allocation of time – to be discussed by the parties]
- 21.7. [Hearings open /closed to the public, publication of recordings and transcripts – to be discussed by the parties]

## 22. Recordings of Hearings and Sessions

### *Arbitration Rule 29(4)(i)*

- 22.1. Recordings shall be made of all hearings and sessions. The recordings shall be provided to the parties and the Tribunal Members.
- 22.2. Verbatim transcript(s) in the procedural language(s) shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the parties or ordered by the Tribunal, the verbatim transcripts shall, if possible, be available in real-time and electronic transcripts shall be provided to the parties and the Tribunal on a same-day basis.
- 22.3. The parties shall agree on any corrections to the transcripts within [#] days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the [parties/court reporter] in the transcripts (“revised transcripts”). The Tribunal shall decide upon any disagreement between the parties and any correction adopted by the Tribunal shall be entered by the [parties/court reporter – to be discussed by the parties] in the revised transcripts.

## 23. Post-Hearing Memorials and Statements of Costs

### *Convention Article 44; Arbitration Rules 51*

23.1. To be discussed by the parties

24. Transparency matters

*Convention Article 48(5), Arbitration Rules 62-66*

23.1. The parties agree that the transparency regime governing these proceedings is dealt with in Procedural Order No. 2.

25. Data Privacy and Cybersecurity

25.1. The Members of the Tribunal, the parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this arbitration proceeding.

25.2. The Members of the Tribunal, the parties and their representatives agree to comply with all applicable data protection and privacy regulations, including providing appropriate notice to data subjects whose personal data will be processed in the arbitration proceeding, where necessary. Should compliance with applicable law require action from another participant in the arbitration proceeding, the parties are invited to bring that to the attention of that other participant and/or to apply to the Tribunal for specific data protection measures to be put in place.

25.3. The parties and their representatives shall ensure that the storage and exchange of the personal data processed in this arbitration is protected by way of appropriate technical and organizational safeguards.

26. Amicable Dispute Settlement

26.1. The Tribunal notes that the parties may seek to reach an amicable settlement of all or part of the dispute, including through mediation under the ICSID Mediation Rules, at any time in the proceeding.

27. [Other Matters]

[Parties to identify any other matters that they would like to discuss during the first session.]

On behalf of the Tribunal,

---

[            ]  
President of the Tribunal  
Date:

## Annex A – Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files and for the accompanying Consolidated Hyperlinked Index. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

All pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (e.g. SPA=Spanish; FR=French; ENG= English). Such indication should be reflected both i) in the name used to identify each individual electronic file and ii) in the Consolidated Hyperlinked Index (which shall be attached to each submission).

For cases with a single procedural language, the “LANGUAGE” designation may be omitted, except for documents in a language other than the procedural language and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
<b>MAIN PLEADINGS</b>	<b>Title of Pleading–LANGUAGE</b>
	<i>Memorial on Jurisdiction-FR</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction-SPA</i>
	<i>Reply on Annulment-FR</i>
	<i>Rejoinder on Quantum-ENG</i>
<b>SUPPORTING DOCUMENTATION</b>  Exhibits	<b>C-####–LANGUAGE</b>
	<b>R-####–LANGUAGE</b>
	To be produced sequentially throughout the case.
	<b>CLAIMANT’S FACTUAL EXHIBITS</b>
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	<b>RESPONDENT’S FACTUAL EXHIBITS</b>
	<i>R-0001-FR</i>
	<i>R-0002-SPA</i>
	Legal Authorities
<b>RL-####–LANGUAGE</b>	
To be produced sequentially throughout the case.	
<b>CLAIMANT’S LEGAL AUTHORITIES</b>	
<i>CL-0001-ENG</i>	
<i>CL-0002-FR</i>	
<b>RESPONDENT’S LEGAL AUTHORITIES</b>	
<i>RL-0001-SPA</i>	
<i>RL-0002-ENG</i>	
Witness Statements	<b>Witness Statement–Name of Witness–Name of Submission–LANGUAGE</b>
	<i>Witness Statement-Maria Jones-Memorial on Jurisdiction-SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement]-ENG</i>
Expert Reports	<b>Expert Report–Name of Expert–Type–Name of Submission–LANGUAGE</b>
	<i>Expert Report-Lucia Smith-Valuation-Memorial on Quantum-ENG</i>
	<i>Expert Report-Lucia Smith-Valuation-Reply on Quantum-[Second Report]-ENG</i>
Legal Opinions	<b>Legal Opinion–Name of Expert–Name of Submission–LANGUAGE</b>
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits-FR</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion]-FR</i>
Exhibits to Witness Statements, Expert Reports,	<b>WITNESS/EXPERT INITIALS –###</b>
	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i> <i>MJ-0001</i>

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Legal Opinions	<i>MJ-0002</i>
	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-0001</i>
	<i>TK-0002</i>
	<i>For exhibits filed with the Expert Report of [Lucia Smith]</i>
	<i>LS-0001</i>
<b>INDICES</b>	<b>Consolidated Hyperlinked Index</b>
	<b>Index of Exhibits-C-#### to C-####</b>
	<i>Index of Exhibits-C-0001 to C-0023</i>
	<b>Index of Legal Authorities-RLA-### to RLA-###</b>
<b>OTHER APPLICATIONS</b>	<i>Index of Legal Authorities-RLA-0001 to RLA-0023</i>
	<b>Name of Application–[Party]-LANGUAGE</b>
	<i>Preliminary Objections under Rule 41(5)-SPA</i>
	<i>Request for Bifurcation-ENG</i>
	<i>Request for Provisional Measures-[Respondent]-SPA</i>
	<i>Request for Production of Documents-[Claimant]-SPA</i>
	<i>Request for Stay of Enforcement-FR</i>
	<i>Request for Discontinuance-[Claimant]-ENG</i>
	<i>Post-Hearing Brief-[Claimant]-SPA</i>
	<i>Costs Submissions-[Respondent]-ENG</i>
<i>Observations to Request for [XX]-[Claimant]-SPA</i>	

[...] v. [...]

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**Annex B – Schedule**