

PCA Case No. 2012-12

**IN THE MATTER OF AN ARBITRATION
BEFORE A TRIBUNAL CONSTITUTED IN ACCORDANCE WITH THE AGREEMENT
BETWEEN THE GOVERNMENT OF HONG KONG AND THE GOVERNMENT OF
AUSTRALIA FOR THE PROMOTION AND PROTECTION OF INVESTMENTS,
SIGNED 15 SEPTEMBER 1993 (THE “TREATY”)**

- and-

**THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW RULES
OF ARBITRATION 2010 (“UNCITRAL RULES”)**

-between-

PHILIP MORRIS ASIA LIMITED

(“Claimant”)

-and-

THE COMMONWEALTH OF AUSTRALIA

(“Respondent”, and together with the Claimant, the “Parties”)

PROCEDURAL ORDER NO. 2

Date: 3 August 2012

Arbitral Tribunal

Professor Karl-Heinz Böckstiegel (President)
Professor Gabrielle Kaufmann-Kohler
Professor Donald M. McRae

Registry

Permanent Court of Arbitration

WHEREAS:

A First Procedural Meeting (“Meeting”) in the present arbitration was held on 30 July 2012 in Singapore;

At the Meeting, it was agreed that the Parties would have an opportunity to make further written submissions on certain issues on which no consensus was found;

The Tribunal indicated to the Parties that, for greater clarity, it would provide them with a timetable setting out the due dates for such further written submissions for the Parties’ reference;

NOW, THEREFORE, THE TRIBUNAL DECIDES AS FOLLOWS:

1 Further written submissions


- 1.1 As agreed at the Meeting, the Parties shall have an opportunity to file further written submissions on the place of arbitration and the issue of bifurcation in accordance with the Timetable set out in Section 2.
- 1.2 The Parties may include in their written submissions the oral arguments made at the Meeting, any comments that they may have on the other Party’s pleadings at the Meeting, and any comments on documents that were provided or referenced by the other Party at the Meeting. It is not necessary to repeat what was set out in previous written communications to the Tribunal.
- 1.3 The Tribunal, having taken due note of the Parties’ views concerning issues of confidentiality/transparency that have hitherto been expressed, encourages the Parties to continue their consultations with a view to coming to an agreed resolution on this issue. The Tribunal looks forward to the Parties’ views in this regard in accordance with the Timetable set out in Section 2.

2 Timetable

	Item	Date
(a)	The Claimant shall file its submission on the place of arbitration and the Respondent shall file its submission on the issue of bifurcation	by Monday, 13 August 2012
(b)	The Claimant shall file its reply on the issue of bifurcation and the Respondent shall file its reply on the place of arbitration	by Monday, 20 August 2012
(c)	The Parties shall submit any comments arising from the other Party’s submission of 20 August 2012	by Monday, 27 August 2012

(d)	The Parties shall submit any responses to the other Party's comments of 27 August 2012 and the Parties shall inform the Tribunal of their views on the issue of confidentiality, including any agreement that has been reached between them	by Monday, 3 September 2012
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Dated: 3 August 2012



On behalf of the Tribunal

**Karl-Heinz Böckstiegel
President of the Tribunal**