

Niko Resources (Bangladesh) Ltd.

v.

**Bangladesh Petroleum Exploration & Production Company Limited (“Bapex”), and
Bangladesh Oil Gas and Mineral Corporation (“Petrobangla”)
(ICSID Case Nos. ARB/10/11 and ARB/10/18)**

The Tribunals have considered (i) the Claimant’s proposal dated 13 December 2013 regarding certain revisions to the procedural rules agreed upon by the parties and the Tribunals during the Joint First Session held on 14 February 2011 in Geneva, and (ii) the Respondents’ comments thereon expressed in an email dated 19 December 2013. In light of the parties’ proposals, and the preferences of the Members of the Tribunals, paragraphs 11 and 14 of the Summary Minutes of the Joint First Session is now replaced by the following, complementing Administrative and Financial Regulations 24 and 30; Arbitration Rules 20(1)(d) and 23:

**Procedural Order No. 4
(MEANS OF COMMUNICATION AND SUBMISSIONS)**

1. The Centre shall be the channel of Written Communications (including correspondence, requests, applications, written observations, pleadings, orders, and decisions) between the parties and the Members of the Tribunals. Subject to the specifications below, each party’s Written Communications shall be transmitted on the relevant filing date by email to the opposing party and the Tribunal Secretary, who shall send them to the Members of the Tribunals.
2. Written Communications ordered by the Tribunals to be filed simultaneously shall be transmitted to the Tribunal Secretary only, which shall send them to the Members of the Tribunals and the parties once both submissions have been received.
3. The Tribunal Secretary shall not be copied on direct communications between the parties which are not intended to be transmitted to the Tribunal.
4. Written Communications as defined in para. 1 above which exceed ten pages shall (i) be uploaded in their entirety by that party by the following business day onto the FTP server established for these cases, and (ii) be followed up with a hard copy transmission of the entire Written Communication to the ICSID Secretariat by courier. Such follow-up transmissions shall be printed recto verso and must be sent to the ICSID Secretariat at the latest within the following three business days.
5. The follow-up transmissions shall be sent directly to the opposing party and to the ICSID Secretariat who shall forward these follow-up transmissions to the Members of the Tribunals.
6. The follow-up transmissions to the ICSID Secretariat shall consist of the following:
 - 6.1 three hard copies in A5 format and two hard copy in A4 format of the entire Written Communication, including signed originals in A4 format of the submission; accompanying documentation may be filed in a different sized format (preferably A4)

where, in the opinion of the party filing the submission, this is required to accommodate the size of the original documents, ensuring that the copies remain legible; and

- 6.2 five electronic copies of the entire Written Communication, including accompanying documentation on USB drive.
7. The follow-up transmissions to the opposing party shall consist of the following:
- 7.1 two hard copies in A5 format of the entire submission. Accompanying documentation may be filed in a different sized format (preferably A4) where, in the opinion of the party filing the submission, this is required to accommodate the size of the original documents, ensuring that the copies remain legible;
- 7.2 two copies of the entire Written Communication, including accompanying documentation preferably on USB drive or, if that is not possible, CD.
- 7.3 Follow-up transmissions intended for the Claimant shall be sent to Claimant’s counsel in Paris (1 copy) and Claimant’s counsel in Calgary (1 copy).
- 7.4 Follow-up transmissions intended for the Respondents shall be sent to Respondents’ counsel in Dhaka (1 copy) and London (1 copy).
8. For email, and courier deliveries to the ICSID Secretariat, the contact details are:

Frauke Nitschke
ICSID
MSN J2-200
1818 H Street, N.W.
Washington, D.C. 20433
U.S.A.
Tel.: +1 (202) 473-2706 (direct) or +1 (202) 458-1534 (general)
Fax: + 1 (202) 522-2615
Email: fnitschke@worldbank.org

9. For email and courier deliveries intended for the parties, the contact details are:

For the Claimant:	For the Respondents:
c/o Mr. Barton Legum and Ms. Anne-Sophie Dufêtre Salans FMC SNR Denton Europe LLP 5 boulevard Malesherbes 75008 Paris France Phone: +33 1 42 68 48 00 +33 1 42 68 48 70 (Mr. Legum) Fax: +33 1 42 68 15 45 +33 1 42 68 71 55 (Mr. Legum)	c/o Mr. Tawfique Nawaz and Mr. Mohammad Imtiaz Farooq Senior Advocate, Bangladesh Supreme Court and Head of Juris Counsel 59/C, Road #4, Banani Dhaka – 12 13, People’s Republic of Bangladesh Phone: +880-2-988-8058 Fax: +880 2 882 5722

<p>Emails: barton.legum@dentons.com annesophie.dufetre@dentons.com brittany.gordon@dentons.com</p> <p>and</p> <p>c/o Mr. Frank Alexander Jr. Dentons Canada LLP 850 – 2nd Street SW 15th Floor, Bankers Court Calgary, Alberta T2P 0R8 Canada</p> <p>Phone: +1 403 268 7000 Fax: +1 403 268 3100 Email: frank.alexander@dentons.com anthony.cole@dentons.com</p>	<p>Emails: tnawaz@bol-online.com imtiaz.farooq@gmail.com</p> <p>and</p> <p>c/o Mr. Luis Gonzalez Garcia Esq. and Ms. Alison Macdonald Matrix Chambers, Griffin Building Gray’s Inn London WC1R 5LN United Kingdom</p> <p>Phone: +44 20 7404 3447 Fax: +44 20 7404 3448 Emails: luisgonzalez@matrixlaw.co.uk alisonmacdonald@matrixlaw.co.uk</p>
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10. Electronic versions of Written Communications and accompanying documents shall be text searchable (e.g., OCR PDF or MS Word); with respect to documents which have not been produced for the purpose of the arbitration, in particular documentary exhibits, this requirement applies only to the extent that the quality of the document allows.
11. A filing shall be deemed timely if sent by a party by 6 p.m. Washington DC on the relevant date. A late filing may, at the discretion of the Tribunals, be disregarded.
12. The Tribunals’ decisions on procedural matters may be communicated to the parties by the Secretariat upon the Tribunals’ instructions.
13. As directed by Procedural Order No. 3 all evidence on which a party relies must be submitted with its first submission. Reply submissions, therefore, may be accompanied only by evidence that is intended to respond to or rebut matters raised by the opposing party’s immediate prior written submission.
14. The Tribunals may refuse, at their discretion, any evidence that has not been filed with the Written Communication, except with prior express permission from the Tribunals in exceptional circumstances.
15. Each of the Parties shall prepare an index of its Written Communication, including all factual exhibits and legal authorities, witness statements; the index shall be updated with each new submission.
16. Exhibits and Legal Authorities shall be numbered consecutively, preceded by a letter identifying the party filing the document (e.g. C-1, C-2, for Exhibits filed by the Claimant, and R-1, R-2, for Exhibits filed by the Respondents). Exhibits attached to expert reports and witness statements shall not be numbered separately. Electronic files of factual exhibits, legal authorities, witness statements and expert reports shall be identified by their exhibit number

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Procedural Order No. 4

and a title identifying the document; the USB drive or CD shall contain a list setting out the documents recorded on it, identifying them by title and, where applicable, exhibit number.

17. The Claimant has agreed to produce in advance of the hearings on the Payment Claim and the Compensation Declaration, respectively, a consolidated electronic and hyperlinked index of all Written Communications.

[Signed]

On behalf of the two Arbitral Tribunals

Michael E. Schneider

President

31 January 2014