

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Claimant

Eco Oro Minerals Corp.

v.

Respondent

Republic of Colombia

**(ICSID Case No. ARB/16/41)
Annulment Proceeding**

PROCEDURAL ORDER NO. 1

Members of the ad hoc Committee

Prof. Joongi Kim, President of the *ad hoc* Committee
Ms. Carmen Núñez-Lagos, Member of the *ad hoc* Committee
Dr. Fernando Piérola-Castro, Member of the *ad hoc* Committee

Secretary of the ad hoc Committee

Ms. Sara Marzal

16 January 2026

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Introduction

The first session of the *ad hoc* Committee (the “Committee”) was held on 19 December 2025, at 7:30 am EST by video conference. The session was adjourned at 8:05 am EST.

An audio recording of the session was made and deposited in the archives of ICSID. The recording was distributed to the Members of the Committee and the parties.

Participating in the session were:

Members of the Committee:

Prof. Joongi Kim, President of the Committee

Ms. Carmen Núñez-Lagos, Member of the Committee

Dr. Fernando Piérola-Castro, Member of the Committee

ICSID Secretariat:

Ms. Sara Marzal, Secretary of the Committee

On behalf of Eco Oro Minerals Corp.:

Mr. Rahim Moloo, Gibson, Dunn & Crutcher LLP

Mr. Patrick Pearsall, Gibson, Dunn & Crutcher LLP

Mr. Kyle Rice, Gibson, Dunn & Crutcher LLP

Ms. Courtenay Wolfe, Party Representative

Mr. Lawrence Haber, Party Representative

Mr. Peter McRae, Party Representative

On behalf of the Republic of Colombia:

Mr. Andrés Darío Sarmiento Lamus, Agencia Nacional de Defensa Jurídica del Estado

Ms. Juanita Camargo Franco, Agencia Nacional de Defensa Jurídica del Estado

Mr. Juan Sebastián Torres Oliver, Agencia Nacional de Defensa Jurídica del Estado

The Committee and the parties considered the following:

- The Draft Procedural Order circulated by the Secretary of the Committee on 17 November 2025;
- The parties’ comments on the Draft Procedural Order received on 12 December 2025, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree; and
- The parties’ communications of 18 December 2025 in response to the Committee’s invitation to clarify certain points of 16 December 2025.

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

Order

Pursuant to ICSID Arbitration Rules 19, 20 and 53, this Procedural Order sets out the Procedural Rules that govern this annulment proceeding. A timetable is attached as **Annex A**.

1. Applicable Arbitration Rules

Convention Article 44; Arbitration Rule 53

1.1. This proceeding is conducted in accordance with the ICSID Arbitration Rules in force as of 10 April 2006, except to the extent modified by Section B of Chapter Eight (Investment) of the Free Trade Agreement between Canada and the Republic of Colombia signed on 21 November 2008 and which entered into force on 15 August 2011 (the "Treaty" or the "FTA"), and supplemented by any rules adopted by the Commission under Articles 822(2), 832, and 2001(3)(a) of the FTA. In accordance with Arbitration Rule 53, the Arbitration Rules apply, *mutatis mutandis*, to annulment proceedings.

2. Constitution of the Committee and Committee Members' Declarations

Convention Article 52(3); Arbitration Rules 6 and 52

2.1. The Committee was constituted on 4 November 2025, in accordance with the ICSID Convention and the ICSID Arbitration Rules. The parties confirmed that the Committee was properly constituted and that no party has any objection to the appointment of any Member of the Committee.

2.2. The Members of the Committee timely submitted their signed declarations in accordance with ICSID Arbitration Rule 6(2). Copies of these declarations were distributed to the parties by the ICSID Secretariat on 4 November 2025.

2.3. The Members of the Committee confirmed that they have sufficient availability to dedicate to this case.

3. Fees and Expenses of Committee Members

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

3.1. The fees and expenses of each Member of the Committee 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.

- 3.2. Non-refundable expenses of each Member of the Committee incurred due to postponement or cancellation of a hearing shall be reimbursed, at the lesser of (a) the actual non-refundable cost or (b) the applicable *per diem* at the time the expenses are incurred.

4. Presence and Quorum

Arbitration Rules 14(2) and 20(1)(a)

- 4.1. The presence of all Members of the Committee, either physically or by any other means of communication, constitutes a quorum for its sittings, except in situations where the Committee must deliberate on a matter that requires urgent directions in order to avoid irreparable harm to a party or to the integrity of the proceedings, and one of the Committee Members cannot be reached in a timely manner. In these cases, any decisions or directions shall be subject to a possible reconsideration by the full Committee.

5. Rulings of the Committee

Convention Article 48(1); Arbitration Rules 16, 19 and 20

- 5.1. Decisions of the Committee shall be taken by a majority of the Members of the Committee.
- 5.2. ICSID Arbitration Rule 16(2) applies to decisions taken by correspondence except that where 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 Committee.
- 5.3. The Committee will draft and issue all rulings, including its final decision, within a reasonable time. If a ruling has not been issued within three months after the final submission on a particular matter, the Committee will provide the parties with status updates every month.
- 5.4. The President is authorized to sign Procedural Orders on behalf of the Committee.
- 5.5. The Committee's rulings on procedural matters may be communicated to the parties by the Committee Secretary electronically by letter or email.
- 5.6. Any ruling of the Committee, including the certified copy of the decision on annulment, will be dispatched electronically to the parties.

6. Power to Fix Time Limits
Arbitration Rule 26(1)

- 6.1. After consultation with the parties, the President may fix and extend time limits for the completion of the steps in the proceeding. The parties may, by mutual agreement and in a spirit of courtesy, grant extensions of time between themselves.
- 6.2. In exercising this power, the President shall consult with the other Members of the Committee. If the matter is urgent, the President may fix or extend time limits without consulting the other Members, subject to possible reconsideration of such decision by the full Committee.
- 6.3. The parties agree that a time limit shall be satisfied if a procedural step is taken or a document is received by the Secretary of the Committee and/or the ICSID Secretariat on the relevant date, or on the subsequent business day if the date falls on a Saturday or Sunday. A time limit shall be computed from the date on which the limit is announced, with the day of such announcement being excluded from the calculation. Official holidays and non-business days are included in the calculation of the period of time.

7. Secretary of the Committee
Administrative and Financial Regulation 28

- 7.1. The Secretary of the Committee is Ms. Sara Marzal, Legal Counsel, ICSID, or such other person as ICSID may notify the Committee 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:

Ms. Sara Marzal
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
U.S.A.
Tel.: +1 (202) 473-6434
Fax: + 1 (202) 522-2615
Email: smarzal@worldbank.org
Paralegal name: Ms. Vanina Laura Bauza
Paralegal email: vbauza1@worldbank.org
ICSID case address: [arb/16/41/annulment1@icsidcases.worldbank.org](https://icsidcases.worldbank.org/arb/16/41/annulment1)

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

Eco Oro Minerals Corp. v. Republic of Colombia
(ICSID Case No. ARB/16/41)
Annulment Proceeding
Procedural Order No. 1

Ms. Sara Marzal
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1225 Connecticut Ave., N.W.
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3rd Floor - MSN C300
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U.S.A.
Tel.: +1 (202) 458-1534

8. Representation of the Parties
Arbitration Rule 18

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

For Eco Oro Minerals Corp.

c/o Mr. Rahim Moloo
Mr. Patrick Pearsall
Ms. Ankita Ritwik
Mr. Kyle Rice

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For the Republic of Colombia

c/o Dr. César Palomino Cortés
Mr. Yebrail Andres Haddad Linero
Mr. Andrés Dario Sarmiento Lamus
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and

c/o Ms. Sofia Carolina Cañon
Director of Foreign Investment and
Services

Eco Oro Minerals Corp. v. Republic of Colombia
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Annulment Proceeding
Procedural Order No. 1

Ministry of Commerce, Industry and
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13 A – 15 Bogota, D.C.
Colombia
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Email: scanon@mincit.gov.co

- 8.2. Eco Oro Minerals Corp. will be designated as the Claimant (as in the original arbitration proceeding) or the Applicant, and the Republic of Colombia will be designated as the Respondent or Respondent in Annulment.
- 8.3. The Committee may, upon consulting the parties, reject the appointment of new party agents, counsel, or advocates should such appointment potentially give rise to the challenge or resignation of a member of the Committee. In such a determination, the Committee may be guided by the IBA (International Bar Association) Guidelines on Conflicts of Interest in International Arbitration.
9. Apportionment of Costs and Advance Payments to ICSID
Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 28
- 9.1. In accordance with Administrative and Financial Regulation 15(5), the Applicant, in this case Eco Oro Minerals Corp. shall be solely responsible for making the advance payments requested by the ICSID Secretariat to cover the direct costs of the proceeding, without prejudice to the final decision of the Committee as to the allocation of costs.
- 9.2. By letter of 1 August 2025, ICSID requested that the Applicant make an advance payment of US\$200,000 to cover the initial costs of the proceeding. ICSID received the Applicant's payment on 19 August 2025.
- 9.3. ICSID shall request further advances from the Applicant as needed. Such requests shall be accompanied by a detailed interim statement of account.
10. Place of Proceeding
Convention Articles 62 and 63; Arbitration Rule 13(3)
- 10.1. Washington, D.C. shall be the place of the proceeding.
- 10.2. The Committee may hold in-person hearings at any other place that it considers appropriate if the parties so agree.

10.3. The Committee Members may deliberate at any place and by any appropriate means they consider convenient.

11. Procedural Language(s), Translation and Interpretation
Arbitration Rules 20(1)(b) and 22

11.1. English and Spanish are the procedural languages of this annulment proceeding.

11.2. Routine, administrative, or procedural correspondence addressed to or sent by the ICSID Secretariat may be in either procedural language. However, any correspondence or communication sent to the ICSID Secretariat in Spanish shall be accompanied by a courtesy translation into English.

For Parties' Pleadings

11.3. Any written requests and applications shall be submitted in either procedural language. If the submission is made in English, unless the Committee directs otherwise, no Spanish translation will be needed. If a request or application is made in Spanish, a translation into English will follow within five calendar days.

11.4. Pleadings, expert opinions, witness statements, and any other accompanying documentation may be submitted in either procedural language. If the pleading, expert opinion, witness statement, and any other accompanying documentation is made in English, unless the Committee directs otherwise, no Spanish translation will be needed. If the pleading, expert opinion, witness statement, and any other accompanying documentation is made in Spanish, a translation into English will follow within 10 calendar days.

11.5. If a factual or legal exhibit is lengthy and relevant only in part, it is sufficient to translate only relevant parts, provided that the Committee may require a fuller or a complete translation on its own initiative. If the document is in English, no Spanish translation will be needed.

11.6. Translations need not be certified unless there is a dispute as to the translation provided and the party disputing the translation specifically requests a certified version.

For the Hearing

11.7. The hearing shall be conducted in Spanish and English with simultaneous interpretation into the other procedural language. Transcripts shall be taken in both languages.

- 11.8. In the event that any witnesses or experts will testify at the hearing (see § 15 below), the parties will notify the Committee, as soon as possible, and no later than a month before the pre-hearing organizational meeting (see § 19 below), which witnesses or experts require interpretation.
- 11.9. The costs of interpretation will be paid from the advance payments made to ICSID, without prejudice to the decision of the Committee as to which party shall ultimately bear those costs.

For Committee's Documents Except the Decision on Annulment

- 11.10. The Committee may initially make any order or decision in English and subsequently issue that order or decision in Spanish. Both language versions shall be equally authentic.

For Committee's Decision on Annulment

- 11.11. The Committee shall issue the decision on annulment in English and Spanish simultaneously. Both language versions shall be equally authentic.

12. Routing of Communications

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

13. Number of Copies and Method of Filing of Parties' Pleadings
Arbitration Rules 20(1)(d) and 23

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

13.1.1. submit an electronic version of the pleading (with witness statements and expert reports, if any), and an updated index of all supporting documentation by email to the Committee Secretary and the opposing party;¹ and

13.1.2. upload the pleading with all supporting documentation and updated hyperlinked² index to the file sharing platform created by ICSID for purposes of this case.

For the avoidance of doubt, the electronic filing process indicated in this subparagraph is applicable both to the original language submission and to any subsequent translations agreed by the parties.

- 13.2. Electronic versions of pleadings, witness statements, expert reports (if any), exhibits and legal authorities shall be text searchable (i.e., OCR PDF or Word). If possible, files should include bookmarks for headings and subheadings and a table of contents. All electronic files (particularly charts, tables, and pictures, etc.) should be appropriately rotated so they can be read horizontally on a computer screen.
- 13.3. File names of any letters, their exhibits and annexes, and written pleadings should be constructed to begin in the following numerical format: YEAR-MONTH-DATE. For example, the file name for a letter dated 12 December 2025 would be “2025-12-12” and be followed by a description of the contents such as “Applicant Letter to Committee re Comments on Draft PO1”.
- 13.4. All pleadings shall contain consecutively numbered paragraphs and shall be accompanied by a cumulative index hyperlinked to all the supporting documentation that the party has submitted up to the date of the pleading in this annulment proceeding. For the avoidance of doubt, the cumulative index will list only documents relied on in the present annulment proceedings (i.e., it will not automatically include all exhibits relied on in the underlying arbitration). The index shall indicate the document number, the pleading with which it was submitted, and the language of the document, and shall follow the naming conventions contained in **Annex B**.
- 13.5. At the conclusion of the written phase of the proceeding, on a date to be determined by the Committee or at any other time determined by the Committee or the ICSID Secretariat, the parties shall upload to the file sharing platform created by ICSID for purposes of this case an electronic copy of the entire case file (including

¹ Please note that the World Bank server does not accept emails larger than 25 MB. Supporting documentation shall be uploaded as individual files, not in .zip format.

² The parties may consider uploading a hyperlinked index in .zip file format to the platform to preserve the hyperlinks.

pleadings, any witness statements, expert reports, exhibits, legal authorities and Committee decisions and orders to date) with a consolidated hyperlinked index of all documents. If any member of the Committee so requests, a USB drive, Mac compatible, containing an electronic copy of the entire file shall be delivered to such member at the addresses indicated at §13.6 below.

13.6. The addresses of the Committee Members are as follows:

Prof. Joongi Kim	Ms. Carmen Núñez-Lagos	Dr. Fernando Piérola-Castro
50 Yonseiro	36 avenue Hoche	Rue des Lilas 2
Seodaemungu	Paris 75008	Geneva 1202
Seoul 03722	France	Switzerland
Republic of Korea	Tel: +33 631 24 93 48	Tel: +41 22 9192116
Tel: +82 2 2123 4181		

13.7. The official date of receipt of a pleading or communication shall be the day on which the electronic file is sent to the Secretary of the Committee by email.

13.8. A filing shall be deemed timely if sent by a party by 6:00 pm, Washington, D.C. time, on the relevant date. If a filing deadline falls on a Saturday or Sunday, the relevant date is the subsequent business day. Whenever possible, deadlines should be set at the end of the week before the weekend, and Mondays should be avoided.

14. Number and Sequence of Pleadings
Arbitration Rules 20(1)(c), 20(1)(e), 29 and 31

14.1. The proceeding will progress according to the timetable set out in Annex A.

15. Submission of Documents
Convention Article 44; Arbitration Rule 24

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

15.2. Neither party shall be permitted to submit additional or responsive documents after the filing of its last written submission, unless the Committee determines that special circumstances exist based on a timely and reasoned written application (without attaching documents) followed by observations from the other party (also without attaching documents).

- 15.3. Given the nature of an annulment proceeding, the Committee expects that the parties will refer primarily to the evidentiary record from the arbitration proceeding and it does not expect to receive new evidence (exhibits, witness statements or expert reports).
- 15.4. Therefore, without prejudice to each party's right to submit new legal authorities, no new evidence shall be admitted in this proceeding, unless the Committee determines that special circumstances exist based on a reasoned written request (without attaching documents and only identifying in general terms the evidence to which it refers) followed by observations from the other party.
- 15.5. Documents shall be submitted in the manner and form set forth in §13.
- 15.6. Any documents introduced as exhibits or legal authorities in the annulment proceeding shall be labelled with numbers, and organized in a clear order:
- 15.6.1. Exhibits and legal authorities already included in the evidentiary record of the underlying arbitration proceeding shall be submitted in PDF format using the same numbering as in the arbitration proceeding (i.e., for the Applicant "C-0001" for factual exhibits and "CL-0001" for legal authorities and for the Respondent "R-0001" for factual exhibits and "RL-0001" for legal authorities).
- 15.6.2. New exhibits admitted in accordance with §[15.4] (if any), and legal authorities (if any), shall use numbering that continues from the numbering used in the underlying arbitration as summarized in §[15.6.1] above. Each party shall number any new exhibit and legal authorities.
- 15.6.3. Any witness statements or expert reports from the underlying arbitration proceeding which are submitted in the annulment proceeding, as well as any new witness statements or expert reports admitted in accordance with §15.4, shall be labelled according to the naming convention contained in **Annex B**.
- 15.6.4. The numbering shall also indicate the language of the document e.g. C-0001(ENG) for a document submitted only in English, C-0001(SPA) for a document submitted only in Spanish and C-0001(ENG-SPA) for a document submitted simultaneously in English and Spanish.
- 15.6.5. Electronic files and the accompanying indexes shall follow the naming conventions contained in **Annex B**.

- 15.7. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a party, in which case the Committee will determine whether authentication is necessary.
- 15.8. The parties shall file all documents only once by submitting them with their pleadings.
- 15.9. 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.
- 15.10. 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 Committee, the Committee Secretary, and to the court reporter and to the interpreters as necessary by the time and date to be decided at the pre-hearing organizational meeting.
- 15.11. 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 file sharing platform, designating each with the corresponding CD-__ or RD-__ number.
16. Witness Statements and Expert Reports
Convention Article 43(a); Arbitration Rule 24
- 16.1. When authorized by the Committee following the procedure outlined in §15.4, witness statements and expert reports shall be filed together with the parties' pleadings.
- 16.2. Each witness statement and expert report shall be signed and dated by the witness.
17. Examination of Witnesses and Experts
Arbitration Rules 35 and 36
- 17.1. When authorized by the Committee, examination of witnesses and experts, if any, shall be discussed and agreed by the parties prior to the pre-hearing organizational meeting should the need arise.

18. Pre-Hearing Organizational Meetings
Arbitration Rule 13

- 18.1. A pre-hearing organizational meeting shall be held at the date and time set out in **Annex A**, which has been set after consultation with the parties. It shall comprise a videoconference between the Committee, or its President, and the parties and should address any outstanding procedural, administrative or logistical matter (including modality of interpretation and transcription) in preparation for the hearing.
- 18.2. At a date to be determined by the Committee, and in any event no later than the date of the pre-hearing conference, the parties shall submit to the Committee jointly – or, where they are unable to agree, separately – a proposal regarding a daily schedule for the hearing including, *inter alia*, the allocation of time, the use of a chess clock and other procedural and logistical details linked to their presentations during the hearing.

19. Hearings
Arbitration Rules 20(1)(e) and 32

- 19.1. The oral procedure shall consist of a hearing for oral arguments.
- 19.2. The hearing may be held in-person or by any other means of communication as determined by the Committee after consultation with the parties. An in-person hearing shall be held at a place to be determined in accordance with §10 above.
- 19.3. Having due regard to the views of the parties and the specific circumstances of the case, including any relevant travel restrictions, and/or social distancing measures or public health/security, the Committee may decide to hold a hearing remotely or in a hybrid form.
- 19.4. The hearing shall take place on the dates set out in Annex A, not before seven weeks after the filing of the last written submission.
- 19.5. The Members of the Committee shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 19.6. The allocation of time at the hearing will be addressed by the parties during or before the pre-hearing organizational conference in accordance with § 18 above.
- 19.7. In accordance with Article 830(2) of the FTA, hearings shall be open to the public. The Committee may hold portions of hearings *in camera* to the extent necessary to ensure the protection of confidential information. The Committee shall establish

procedures for the protection of confidential information and appropriate logistical arrangements for open hearings, in consultation with the parties.

20. Records of Hearings and Sessions

Arbitration Rules 13 and 20(1)(g) and 53

- 20.1. Sound recordings shall be made of all hearings and sessions. The sound recordings shall be provided to the parties and the Committee Members.
- 20.2. 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 Committee, the verbatim transcripts shall, if possible, be available in real-time and electronic transcripts shall be provided to the parties and the Committee on a same-day basis.
- 20.3. The parties shall agree on any corrections to the transcripts within 45 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter in the transcripts (“revised transcripts”). The Committee shall decide upon any disagreement between the parties and any correction adopted by the Committee shall be entered by the court reporter in the revised transcripts.

21. Post-Hearing Memorials and Statements of Costs

Convention Article 44; Arbitration Rule 28(2)

- 21.1. In consultation with the parties, the Committee will determine at the end of the hearing whether there shall be post-hearing memorials. If so, the Committee will address the time and page limits for, and the format and content of the post-hearing memorials. No new evidence may be produced with the post-hearing memorials, except with leave or on request of the Committee.
- 21.2. The Committee will issue directions on the parties’ statements of costs at the end of the hearing.

22. Publication

Convention Article 48(5), Administrative and Financial Regulation 25, Arbitration Rule 48(4), Treaty Article 830

- 22.1. In accordance with Article 830(1) of the Treaty, the decision on annulment shall be publicly available, subject to the deletion of confidential information.

- 22.2. The Committee's procedural orders and the Application for Annulment shall also be publicly available, subject to the deletion of confidential information.
- 22.3. Unless the parties agree otherwise, and always subject to the deletion of confidential information, no other documents submitted to, or issued by, the Committee shall be publicly available. A party providing information that it claims is confidential has the burden of designating it as confidential.
- 22.4. Pursuant to Article 830(3) of the Treaty, a party may disclose to other persons in connection with the arbitral proceedings such unredacted documents as it considers necessary for the preparation of its case, but it shall ensure that those persons protect the confidential information in such documents.
- 22.5. In accordance with Article 830(5) of the Treaty, to the extent that the Committee's confidentiality order designates information as confidential and a law on access to information of either Contracting Party to the Treaty requires public access to that information, such domestic law shall prevail. However, a Contracting Party to the Treaty should endeavour to apply its law on access to information so as to protect information designated confidential by the Committee.
23. Submission by a Non-Disputing Party
Arbitration Rule 37(2), Treaty Article 831, Treaty Annex 831
- 23.1. In accordance with Annex A: (i) an application to the Committee for leave to file a non-disputing party (NDP) submission may be submitted no later than 10 days after the first exchange of pleadings, as applicable, between the parties has taken place; and (ii) any NDP submission must be filed no later than two weeks before the second exchange of pleadings, as applicable, begins.
- 23.2. The parties will be granted an opportunity to submit observations in relation to any NDP application for leave to file a NDP submission, and to any NDP submissions.
- 23.3. In accordance with ICSID Arbitration Rule 37(2) and Article 831 of the Treaty, the Committee shall ensure that any NDP submission does not disrupt the proceeding or unduly burden or unfairly prejudice either party.
- 23.4. In the event that a NDP is granted leave to make a submission, the Committee shall impose a deadline for such submission in accordance with § 23.3 above. The Committee shall likewise decide whether and to what degree a NDP granted leave to make a submission shall be granted access to the pleadings submitted by the parties, subject to the deletion of confidential information and excluding their supporting documentation (including exhibits, witness statements, and expert reports).

Access to the pleadings shall be granted upon the execution of a non-disclosure agreement by the NDP.

- 23.6. An application to the Committee for leave to file a NDP submission, and the filing of a submission, if allowed by the Committee, shall be made in accordance with ICSID Arbitration Rule 37(2), and Article 831 and Annex 831 of the Treaty.

24. Participation of Non-Disputing Contracting Party
Treaty Article 827

- 24.1. Pursuant to Article 827(1) of the FTA, the Respondent will provide Canada, as the other Contracting Party to the Treaty, with the documents identified therein and in accordance with the Treaty's terms.
- 24.2. Pursuant to Article 827(2) of the FTA, Canada shall have the right to attend any hearings. Upon written notice to the disputing parties, the Government of Canada may make oral and written submissions to the Committee on a question of interpretation of the Treaty.

25. Data Privacy and Cybersecurity

- 25.1. The Members of the Committee, the parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this annulment proceeding. They acknowledge having read ICSID's "Personal Data Privacy Notice – Proceedings" ("Notice").
- 25.2. The Members of the Committee, 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 annulment proceeding, where necessary, including witnesses and experts. Should compliance with applicable law require action from another participant in the annulment proceeding, the parties are invited to bring that to the attention of that other participant and/or to apply to the Committee 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 annulment proceeding is protected by way of appropriate technical and organizational safeguards.

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26. Other Matters

The terms of this procedural order, including the timetable set forth in Annex A, may be altered or modified by the Committee, after consultation with the parties. These terms may also be modified by the parties by mutual agreement.

On behalf of the Committee,

[signed]

Prof. Joongi Kim
President of the Committee
Date: 16 January 2026

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Procedural Order No. 1 – Annex A

Annex A – Procedural Calendar

Procedural Step	By	Deadline
First Session	All	Friday, 19 December 2025
Memorial on Annulment	Applicant	Tuesday, 23 December 2025
Counter-Memorial on Annulment	Respondent	Friday, 24 April 2026
Applications for leave to file non-disputing party (amicus) submissions, if any, under FTA Art. 831	NDP	Tuesday, 5 May 2026
Prior notice of Submissions under FTA Art. 827, if any	Canada	Friday, 8 May 2026
Comments on applications for leave to file non-disputing party (amicus) submissions, if any, under FTA Art. 831	Applicant and Respondent	Friday, 22 May 2026
Decision on applications for leave to file non-disputing party (amicus) submissions, if any, under FTA Art. 831	Committee	Friday, 5 June 2026
Submissions under FTA Art. 827, if any	Canada	Friday, 19 June 2026
Deadline to file non-disputing party submissions, if any, under FTA Art. 831	NDP	Friday, 19 June 2026
Comments on FTA Art. 827 and Art. 831 submissions, if any	Applicants and Respondent	Friday, 3 July 2026
Reply on Annulment	Applicant	Friday, 14 August 2026
Rejoinder on Annulment	Respondent	Friday, 4 December 2026
Pre-Hearing Organizational Meeting	All	Tuesday, 12 January 2027
Hearing on Annulment	All	Monday, 25 January 2027 and Tuesday, 26 January 2027
Post-Hearing Submissions	Both Parties	TBD, if directed by the Committee
Costs Submissions	Both Parties	TBD

Annex B – 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. SP=Spanish; FR=French; EN=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
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<i>Memorial on Annulment-FRE</i>
	<i>Counter-Memorial on Annulment-SPA</i>
	<i>Reply on Annulment-FRA</i>
	<i>Rejoinder on Annulment-ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-####–LANGUAGE
	R-####–LANGUAGE
	To be produced sequentially throughout the case.
	APPLICANT’S FACTUAL EXHIBITS
	<i>C-0001-EN</i>
	<i>C-0002-SP</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001-FR</i>
	<i>R-0002-SP</i>
Legal Authorities	CL-####–LANGUAGE
	RL-####–LANGUAGE
	To be produced sequentially throughout the case.
	APPLICANT’S LEGAL AUTHORITIES
	<i>CL-0001-ENG</i>
	<i>AL-0002-FRE</i>
	RESPONDENT’S LEGAL AUTHORITIES
	<i>RL-0001-SPA</i> <i>RL-0002-ENG</i>
Witness Statements (if applicable)	AWS-Witness Surname–LANGUAGE
	RWS-Witness Surname–LANGUAGE <i>AWS-Jones-SPA</i>
Expert Reports (if applicable)	AER-Expert Surname–LANGUAGE
	RER-Expert Surname–LANGUAGE <i>AER-Smith-ENG</i>
Exhibits to Expert Reports (if applicable)	EXPERT INITIALS-####
	<i>For exhibits filed with the Expert Report of [Maria Jones]</i>
	<i>MJ-0001</i>
INDICES	Consolidated Hyperlinked Index
	Index of Exhibits-C-#### to C-####

OTHER APPLICATIONS	<i>Index of Exhibits-C-0001 to C-0023</i>
	Index of Legal Authorities-RL-#### to RL-####
	<i>Index of Legal Authorities-RL-0001 to RL-0023</i>
	Name of Application-[Party]-LANGUAGE
	<i>Request for Provisional Measures-[Respondent]-SP</i>
	<i>Request for Production of Documents-[Applicant]-SP</i>
	<i>Request for Stay of Enforcement-[Applicant]-FR</i>
	<i>Request for Discontinuance-[Applicant]-EN</i>
	<i>Post-Hearing Brief-[Applicant]-SP</i>
	<i>Costs Submissions-[Respondent]-EN</i>
	<i>Observations to Request for [XX]-[Applicant]-SP</i>