

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Brookfield Corporation

v.

Republic of Peru

(ICSID Case No. ARB/25/14)

PROCEDURAL ORDER NO. 1

Members of the Tribunal

Ms. Lucinda A. Low, President of the Tribunal

Prof. Zachary Douglas, KC, Arbitrator

Prof. Dr. Stephan Schill, Arbitrator

Secretary of the Tribunal

Ms. Marisa Planells-Valero

June 18, 2026

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Introduction

The first session of the Tribunal was held on May 28, 2026, at 12:00 p.m. (EDT), by video conference via Zoom. The session was adjourned at 2:25 p.m. (EDT).

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:

Ms. Lucinda A. Low, President of the Tribunal
Prof. Zachary Douglas, KC, Arbitrator
Prof. Dr. Stephan Schill, Arbitrator

ICSID Secretariat:

Ms. Marisa Planells-Valero, Secretary of the Tribunal

On behalf of the Claimant:

Mr. Rafael Llano, White & Case LLP
Mr. John Dalebroux, White & Case LLP
Mr. Cristian Torres, White & Case LLP
Ms. Sabina Hidalgo Peralta, White & Case LLP
Mr. Adrian Gonzalez Vizcarra, White & Case LLP
Ms. Genesis Aguirre Davila, White & Case LLP
Ms. María del Carmen Tovar Gil, Estudio Ehecopar
Mr. Javier Tovar, Estudio Ehecopar
Ms. Ana María Arrarte, Estudio Ehecopar
Ms. Diana Collazos, Estudio Ehecopar

Mr. Ives Becerra, Claimant
Ms. Adriana Rojas, Claimant
Mr. Uldarico Ossio, Claimant
Ms. Kateryna Yason, Claimant
Mr. Miguel Oyarzo, Claimant

On behalf of the Respondent:

Ms. Mónica del Pilar Guerrero Acevedo, President of the Special Commission
Mr. Mijail Feliciano Cienfuegos Falcón, Technical Secretariat of the Special Commission
Ms. Andrea Renata Carranza Acevedo, Technical Secretariat of the Special Commission
Mr. Patricio Grané Labat, Arnold & Porter
Mr. David Reed, Arnold & Porter
Mr. Roberto Lupini, Arnold & Porter
Ms. Julia Calderón Carcedo, Arnold & Porter

The Tribunal and the Parties considered the following:

- The Draft Procedural Order No. 1 and No. 2 circulated by the Tribunal Secretary on May 4, 2026; and
- The Parties' comments on the Draft Procedural Orders received on May 25, 2026, 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, including the Parties' additional comments received on June 5, 2026, 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 will be attached as **Annex B** at a later date.

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 April 13, 2026, in accordance with the ICSID Convention and the ICSID Arbitration Rules. Without prejudice to their rights under the ICSID Convention and 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 based on current disclosures and publicly available information.
- 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 August 18, 2025 for Prof. Dr. Stephan Schill, on September 15, 2025 for Prof. Zachary Douglas, KC, and on April 13, 2026 for Ms. Lucinda A. Low.
- 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.
- 3.2. In the event the Members of the Tribunal are asked to reserve more than one day for a hearing or meeting, and that hearing or meeting is either cancelled or postponed by more than one week by one or both of the parties, the Members of the Tribunal may charge a cancellation fee for each day reserved as follows (based on an eight-hour day):
 - 3.2.1. Where the cancellation or postponement occurs within three months of the first day of such hearing, 25% of the applicable fees;
 - 3.2.2. Where the cancellation or postponement occurs within one month of the first day of such hearing, 50% of the applicable fees; or
 - 3.2.3. Where the cancellation or postponement occurs within three calendar days of the first day of such hearing, 100% of the applicable fees.
- 3.3. Pursuant to Rule 52 of the ICSID Arbitration Rules, in allocating the costs of the proceeding, the Tribunal shall consider all relevant circumstances, including the reasons that resulted in the cancellation or postponement of the hearing or meeting.

4. Presence and Quorum

Arbitration Rule 33

- 4.1. The participation of all of the members of the Tribunal by any appropriate means of communication constitutes a quorum for its meetings.

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. The Tribunal may take decisions by correspondence among its members, provided that all of them are consulted. Decisions so taken shall be confirmed by the President of the Tribunal.

- 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 on its own initiative and upon notice to the Parties, who will have the opportunity to comment, or at the request of a Party.
- 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 shall issue all rulings, including the Award, within a reasonable period of time. If a ruling other than the Award has not been issued within three months following the final submission on a given matter, the Tribunal shall provide the Parties with monthly updates on the status of such decision. The timing of the issuance of the Award shall be governed by ICSID Arbitration Rule 58.
- 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, in consultation with the co-arbitrators to the extent possible given the circumstances, 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. If the matter is urgent, the President may fix time limits without consulting the co-arbitrators or the Parties, subject to possible reconsideration of such decision by the full Tribunal on its own initiative and upon notice to the Parties, who will have the opportunity to comment, or at the request of a Party.
- 6.3. The Parties agree that a deadline is met if the procedural act is performed, or if the Centre receives the document, on the relevant date, or on the next business day if the deadline falls on a Saturday or Sunday. Time periods shall be calculated from the day following the notification of the deadline, excluding the date of such notification from the calculation.
- 6.4. The Parties may agree to brief extensions without prior consultation with the Tribunal, provided that (i) such extensions do not materially affect the overall

procedural calendar to be set out in **Annex B** at a later date, and (ii) the Tribunal is notified as soon as possible.

7. Secretary of the Tribunal

Administrative and Financial Regulation 28

- 7.1. The Tribunal Secretary is Ms. Marisa Planells-Valero, Senior 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:

Ms. Marisa Planells-Valero
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
United States of America
Tel.: + 1 (202) 458-9273
Fax: + 1 (202) 522-2615
Email: mplanellsvalero@worldbank.org
Paralegal name: Ms. Carolina Posada
Paralegal email: mposadavelandia@worldbank.org
ICSID case address: ARB/25/14@icsidcases.worldbank.org

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

Ms. Marisa Planells-Valero
ICSID
1225 Connecticut Ave. N.W.
(World Bank C Building)
3rd Floor
Washington, D.C. 20036
United States of America
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. The Tribunal may refuse designation of additional agents, counsel, or advocates if the designation would create a non-waivable conflict of interest with one or more Members of the Arbitral Tribunal.

For the Claimant

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For the Respondent

Ms. Mónica del Pilar Guerrero
Acevedo
President of the Special Commission
Representing the Republic of Peru in
International Investment Disputes
Mr. Mijail Feliciano Cienfuegos
Falcón
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and

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and
Mr. Paolo Di Rosa
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Avenue NW
Washington DC 20001
United States of America
Paolo.DiRosa@arnoldporter.com

8.2. Communications addressed to the Republic of Peru shall also be sent to:
xPeruBrookfield@arnoldporter.com.

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 April 1, 2025, ICSID informed the Parties that USD 400,000 will be necessary to cover the estimated costs of the initial phase of the proceeding through the first session of the Tribunal, as well as the subsequent phase, and requested that the Claimant pay USD 200,000. ICSID received the Claimant's payment on April 24, 2025. Upon the constitution of the Tribunal, by letter of April 17, 2026, ICSID requested that the Respondent pay USD 200,000. ICSID received the Respondent's payment on May 14, 2026.

9.3. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account.

9.4. Arbitration Rule 14 shall apply to the disclosure of Third-Party Funding.

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

10.1. Washington, DC 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 consultations with the Parties. The method of holding a hearing will be determined in accordance with §21.2.

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

- 11.1. English and Spanish are the procedural languages of the arbitration, subject to the rules set out below.
- 11.2. Regarding correspondence and procedural applications:
- 11.2.1. Routine, administrative, or procedural correspondence between the Parties or between any Party and the Tribunal or Secretary, may be sent in either procedural language without translation. Such routine communications, as well as procedural requests or applications addressed to the Tribunal or ICSID, may be in either procedural language but, if in Spanish, shall be accompanied by an unofficial English translation filed within 2 business days thereafter.
- 11.3. Regarding substantive submissions:
- 11.3.1. Written pleadings, witness statements, and expert reports or opinions (together, “**Main Documents**”) shall be submitted in English or in Spanish. If the Main Documents are submitted in Spanish, they shall be followed by an unofficial translation into English within 30 calendar days.
- 11.3.2. Fact exhibits, and legal authorities, (together the “**Supporting Documents**”) in English or Spanish may be submitted in their original language, but documents submitted in Spanish or in any language other than English shall be followed by an unofficial translation into English within 30 calendar days. If a Supporting Document is lengthy and relevant only in part, it is sufficient to translate only the relevant parts, provided that the entire original document has been submitted (or, if too voluminous, the entire part, section, chapter, etc., as the case may be) and the translated portion is sufficient to allow a complete understanding of its text and its context. The Tribunal may require a fuller or a complete translation at the request of any Party or on its own initiative. Supporting Documents originally in English do not need to be translated.
- 11.3.3. Translations need not be certified unless there is a dispute as to the translation provided and the Tribunal orders a certified translation. If a Party wishes to challenge the translation of a document, it may submit a new translation that clearly identifies the differences.
- 11.3.4. Documents exchanged between the Parties pursuant to § 15 *infra* (Production of Documents) may be produced in the original language and need not be translated.
- 11.3.5. In the event of disagreement between the Parties as to the translation of any Main or Supporting Document, the original language of the relevant document

will be authoritative. The Tribunal shall take the appropriate decision to address any such disagreement.

11.4. Regarding hearings, oral testimony and argument:

11.4.1. Any hearings (including procedural hearings such as the pre-hearing conference), shall be conducted in Spanish and English with simultaneous interpretation into both procedural languages.

11.4.2. Oral testimony and argument before the Tribunal shall be given in either English or Spanish. Simultaneous interpretation into the procedural languages shall be provided. The Parties shall notify the Tribunal of the potential need for interpretation in a language other than the procedural languages one week after they submit their respective witness notifications.

11.4.3. The Tribunal may address the Parties, witnesses and experts orally in English or Spanish, with simultaneous interpretation into the other procedural language.

11.4.4. Verbatim transcripts of any hearing shall be made in both procedural languages.

11.4.5. The Parties shall confer with each other and the Tribunal with respect to the procedure for correcting transcripts on the last day of the oral hearing. The agreed corrections may be entered by the Parties 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 in the revised transcripts. In any event, in case of conflict between the transcripts in Spanish and in English, the audio of the original language in which the oral testimony or the presentation of arguments was made will prevail.

11.4.6. 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. ICSID will be responsible for making arrangements with the interpreters, in consultation with the parties.

11.5. For the Tribunal’s orders and decisions, and award:

11.5.1. The Tribunal shall render any decision on jurisdiction or award in English and Spanish simultaneously. Both versions of decisions on jurisdiction or awards shall be equally authentic. The Tribunal shall render any other order in English or Spanish followed by a courtesy translation within 10 business days.

12. Routing of Communications
Arbitration Rule 6

- 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.
- 12.3. If a matter is urgent, the Parties are permitted to direct written communications directly to the Tribunal with copy to the opposing Party and the Tribunal Secretary.
- 12.4. Electronic versions of communications that must be submitted simultaneously, whether pursuant to an instruction from the Tribunal or by agreement of the Parties, shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing party and the Tribunal.
- 12.5. The Tribunal Secretary shall not be copied on communications between the Parties when such communications are not intended to be transmitted to the Tribunal.
- 12.6. The email addresses of the Members of the Tribunal are:

Ms. Lucinda A. Low
llow@lkdr.global

Prof. Zachary Douglas
zdouglas@3vb.com

Prof. Dr. Stephan Schill
S.W.B.Schill@uva.nl

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 accompanying the main pleading;¹ and
 - 13.1.2. upload the pleading with witness statements, expert reports, and an index of all supporting documentation to the file sharing platform that has been created by ICSID for purposes of this case.²
- 13.2. Within 7 calendar days of the submission made pursuant to § 13.1, the Party making the filing shall upload to the file sharing platform that has been created by ICSID

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

² Supporting documentation shall be uploaded as individual files, not in .zip format.

for purposes of this case all additional supporting documentation for the submission in question, including all fact exhibits and legal authorities.

- 13.3. Within 7 calendar days of the submission made pursuant to § 13.2, the Party making the filing shall send via FEDEX or other similar means:

- (i) one hard copy of submissions, expert reports and witness statements, together with a cumulative index, in A5 format, along with a USB memory stick containing the submission, to Ms. Lucinda Low at:

Ms. Lucinda Low
8564 Horseshoe Lane
Potomac MD 20854
USA
+1 (202) 365-9600

- (ii) one hard copy of the main submissions, expert reports and witness statements, without exhibits and legal authorities, in A5 format (but no need for a USB memory stick) to the following address:

Prof. Dr. Stephan Schill
c/o Max Planck Institute for Comparative Public Law and International Law
Im Neuenheimer Feld 535
69120 Heidelberg
Germany
+ 49 6221 482 10

- 13.4. Within 30 calendar days of the submission made pursuant to § 13.1, the Party making the filing shall upload to the file sharing platform that has been created by ICSID for purposes of this case any relevant translations. For the avoidance of doubt, the electronic filing process indicated in § 13.2 is applicable both to the original language submission and to any subsequent translations agreed by the Parties.
- 13.5. Electronic files of pleadings, witness statements, expert reports, exhibits and legal authorities (to the extent possible) shall be text searchable (i.e., OCR PDF or Word).
- 13.6. All Main Documents 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, the pleading with which it was submitted, the language of the document, and shall follow the naming conventions contained in **Annex A**.
- 13.7. 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.³ The Parties shall also courier to the ICSID Secretariat at the address indicated at § 7.3 above and to Ms. Low and Prof. Schill at the addresses indicated at § 13.3 above a USB drive containing 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.

- 13.8. 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.
- 13.9. A filing shall be deemed timely if sent by a party by midnight (11:59 p.m.), Washington, D.C. time, on the relevant date. The Parties agree to tolerate reasonable delays (*i.e.*, no more than a few hours) in the submission of a pleading and its accompanying documentation. 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. Time limits. The arbitration will proceed in accordance with the Procedural Calendar to be attached to the present as **Annex B**.
- 14.2. Scope of pleadings.
- 14.2.1. The number and sequence of pleadings, and the dates on which they are to be filed, shall be as set out in **Annex B**. The Parties shall submit their Main Documents no later than the dates established in the Procedural Calendar, without prejudice to § 13.9 above.
- 14.2.2. In the first round of pleadings, the Parties shall set forth the facts and legal arguments and submit the documentary and written witness and expert evidence on which they intend to rely in support of their respective cases. Allegations of fact and legal arguments shall be presented in a detailed, specified and comprehensive manner, and shall respond to the allegations of fact and legal arguments made to date by the other party. The parties shall set forth the facts and arguments and submit their evidence in good faith and not unduly withhold documents or evidence to achieve a tactical advantage.

³ 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 files sharing platform, in a sub-folder and including a consolidated (non-hyperlinked) index.

14.2.3. In their second exchange of pleadings (Reply and Rejoinder), the Parties shall limit themselves to responding to the factual allegations and legal arguments raised by the opposing Party in its previous submission, unless new facts have arisen since the first exchange that justify the introduction of new factual allegations and/or legal arguments. In the Reply and Rejoinder, the Parties may also submit and rely on any documents they receive in the document production phase (if any), as well as address any developments that occurred since their last filing.

14.3. Exceptional Circumstances. Neither Party shall be permitted to submit Main Documents (such as briefs, witness statements, or expert reports) outside the Procedural Calendar, including after the submission of its last pre-hearing written submission, unless exceptional circumstances and justifiable cause are demonstrated through a request to the Arbitral Tribunal, which shall determine whether such submission is admissible. A Party seeking to submit such additional documents may not attach them to the request, and the other Party shall have the opportunity to comment on the request before the Arbitral Tribunal makes its decision. If the Arbitral Tribunal grants the request, it shall ensure that the other Party has sufficient opportunity to submit responsive Main Documents or observations on the documents.

15. Production of Documents

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

15.1. The Tribunal and the Parties shall be guided by the IBA (International Bar Association) Rules on the Taking of Evidence in International Arbitration (2020).

15.2. If a Party wishes to request the production of documents from the other Party, it shall do so in accordance with the Procedural Calendar (**Annex B**), setting out the basis for such request in accordance with Article 3 of the IBA (International Bar Association) Rules on the Taking of Evidence in International Arbitration (2020) and § 15.6 below, and shall send such request directly to the other Party without copying the Tribunal or the Tribunal's Secretary. Such requests for production of documents shall be made in the format included as **Annex C**.

15.3. Upon receipt of a request, a party will respond within the deadline established in the Procedural Calendar. If the Party agrees to voluntarily produce the requested documents, it shall do so within the deadline to be established in the Procedural Calendar (**Annex B**).

15.4. If the requested documents are not voluntarily produced by a Party, the requesting Party may request the Tribunal to decide on the unresolved requests within the deadline to be established in the Procedural Calendar (**Annex B**).

15.5. Documents which the Tribunal orders to be produced shall be communicated

directly to the requesting Party without copying the Tribunal and the Secretary. Documents so communicated shall not be considered to be on the record unless and until a Party subsequently files them as exhibits in accordance with § 16 below.

- 15.6. Each request for production shall comply with the Model Schedule for Document Requests set forth in **Annex C**, including:

15.6.1. the word limits set forth in each category,

15.6.2. (i) the predicate fact that is in dispute, its relevance and materiality, and the reasons for its necessity, as further elaborated in **Annex C**; (ii) a description of the requested documents or of a narrow and specific category of documents that are reasonably believed to exist (for example, letters, emails, minutes of meetings, memoranda, notes, reports). The Parties shall not use a generic formulation, such as “all documents” or “all records”, or use such formulation and then define it to “include” specific types of documents; (iii) the identification of the author, sender, recipient, and/or custodian of the requested document or category of documents where known (*i.e.*, by the name of the individual, department, entity, or organ, as the case may be); a Party asserting that such identification is not possible must adequately substantiate such assertion; and (iv) the identification a date for individual documents or a narrow and proportionate period for a category of documents;

15.6.3. a description of the subject matter in sufficient detail and with necessary particulars to enable an effective search for responsive documents to be carried out;

15.6.4. a specification that the documents requested are not in the possession, custody or control of the requesting Party (or explain why it would be unreasonably burdensome for the requesting Party to produce them), and that they are likely to exist and be in the possession, custody or control of the other Party; and

15.6.5. an explanation, with specific references to the record, why the document or category of documents sought is relevant to the case and material to its outcome and, more specifically, which fact alleged in the arbitration the document sought is intended to prove.

- 15.7. Where the requested Party objects to production on one or more grounds, it shall reflect the basis for such objection, subject to the word limits specified in **Annex C**, by applicable category as set forth in said Annex.

- 15.8. Where a requested Party objects to production on the grounds of burden or excessive scope, it shall provide wherever possible a narrower formulation within which it is prepared to comply. Both Parties shall use best efforts to reach agreement on requests and shall not submit to the Tribunal for decision any requests

that they themselves have not endeavored in good faith to narrow.

- 15.9. Documents produced by a Party shall be produced electronically, in their original language and, where possible, in their native format (*e.g.*, Word, Excel, Outlook, PDF, .jpg), each in a separate file, directly to the requesting Party, without copying the Tribunal and the Secretary. Documents produced should be organized in folders according to the individual requests.
- 15.10. To the extent that a Party considers that a responsive document constitutes or contains information that should not be produced or should be redacted because of privilege or another valid reason, it may withhold or redact the document, provided it submits a log setting forth the reasons for each withholding or redaction on the production date for the document in the format set out in **Annex D**. If the other Party disputes the withholding or redaction, it will first bring the dispute to the attention of the objecting Party, and the Parties will endeavor to resolve the dispute. Any Party may apply to the Arbitral Tribunal to decide any unresolved disputes.
- 15.11. In the event that a Party fails to produce documents as ordered by the Tribunal or documents that it has undertaken to produce, the Tribunal may draw such adverse inferences as it considers appropriate, taking into account all relevant circumstances, including written submissions provided by the Parties in this regard.

16. Submission of Documents

Convention Article 44; Arbitration Rule 5

- 16.1. The documents shall be submitted in the manner and form set forth in §13 above.
- 16.2. 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 exceptional circumstances exist based on a timely and reasoned written application followed by observations from the other party.
- 16.2.1. 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.
- 16.2.2. 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.
- 16.3. To the greatest extent possible, the Parties shall refrain from submitting new documents in the period immediately preceding the hearing absent exceptional circumstances.

- 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 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 (if two procedural languages). The Parties are encouraged to avoid submitting the same document under different exhibit or legal authority numbers; where possible, they shall rely on the exhibit or legal authority number already assigned. 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 *infra*.
- 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. Excel spreadsheets or other calculations will be submitted in their native format.
- 16.8. The Parties shall file all documents only once by submitting them with their pleadings. Documents need not be resubmitted with witness statements even if referred to in such statements.
- 16.9. The Parties or their experts may use PowerPoint slides and demonstrative exhibits (such as charts, tabulations, etc. compiling information which is on record but not presented in such form), at the Hearing provided that they do not contain new evidence or calculations, except for updates to accrued interest or similar items,

where the calculation method is clear. Such updates must be strictly limited to reflecting objective and quantifiable variations, without introducing substantive elements that have not been previously submitted, discussed, or admitted in the proceedings. Each Party shall number its demonstrative exhibits consecutively and indicate, on each exhibit, the number of the document(s) in the record from which it is derived. The Party presenting such exhibits or slide presentations shall provide an electronic copy of those materials and, if requested, a hard copy to the opposing Party, the Members of the Tribunal, the Secretary of the Tribunal, the court reporters, and the interpreters prior to their use at the Hearing, at a time to be determined during the pre-hearing conference.

- 16.10. 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 Tribunal, the Tribunal Secretary, any Tribunal Assistant, to the court reporter and to the interpreters as necessary by one hour prior to their use at the Hearing.
- 16.11. 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 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. If a Party has submitted witness statements and/or expert reports, it shall make those witnesses and/or experts available to the opposing party for cross-examination, if so requested.
- 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 exceptional circumstances exist based on a reasoned written request followed by observations from the other party (following the procedure outlined in §16.2).
- 17.3. Each witness statement and expert report shall be signed and dated by the witness and accompanied by a declaration of truthfulness.
- 17.4. The Parties agree that the IBA (International Bar Association) Rules on the Taking of Evidence in International Arbitration (2020) shall apply for the purposes of evidence-taking.
- 17.5. Each expert report shall be signed and dated by the expert who prepared it. In addition, expert reports must:

- 17.5.1. provide the expert's curriculum vitae;
- 17.5.2. contain a statement regarding the past or present relationship of the expert with any of the parties, their legal advisors and the Arbitral Tribunal (if any);
- 17.5.3. contain a description of the instructions under which the expert provides his opinions or conclusions; and
- 17.5.4. contain a statement indicating that the expert acknowledges that their obligations are to the Arbitral Tribunal and not to the Party that appointed them.

18. Examination of Witnesses and Experts
Arbitration Rule 38

- 18.1. The Parties agree that all matters addressed in this section may be reviewed during the pre-hearing conference, as appropriate.
- 18.2. A Party may request the opposing Party to make available for cross-examination at the hearing any witness or expert whose written testimony was submitted with its pleadings.
- 18.3. In accordance with §13.1 above, each Party shall submit its witness statements together with the corresponding written submission.
- 18.4. Each Party shall be responsible for ensuring the attendance of its own witnesses at the hearing, unless the other Party has not requested the cross-examination of a witness and the Tribunal has not ordered their appearance. If a witness or expert presented by a Party has not been called by the opposing Party or the Tribunal for examination at the hearing, the Party that presented the witness or expert may not call him/her to testify at the hearing, unless the Tribunal, after hearing the Party that did not call the witness or expert, determines that there is justified cause. The Tribunal shall determine the weight, if any, to be attributed to the witness statement or expert report of a witness or expert who was called for examination by the opposing Party or the Tribunal but is unavailable to appear at the hearing, taking into account the entire record and all relevant circumstances.
- 18.5. Each Party shall notify the opposing Party of the witnesses or experts it intends to cross-examine. The Tribunal shall then identify any additional witnesses or experts (if any) it wishes to call for examination.
- 18.6. The facts contained in the witness statement of a witness or expert whose cross-examination has not been requested by the opposing Party, or who has not been called by the Tribunal or the presenting Party, shall not be deemed accepted or proven merely because cross-examination was not requested. The Tribunal shall

assess the weight of the witness statement or expert report in light of the entire record and all relevant circumstances.

- 18.7. Each Party shall be responsible for the logistical arrangements, costs, and availability of the witnesses it offers. The Tribunal shall determine the appropriate allocation of any related costs in the award.
- 18.8. The Tribunal may authorize the appearance and examination of a witness by videoconference, provided there is justified cause preventing in-person attendance. In such cases, the Tribunal shall issue appropriate instructions for the examination of the witness by videoconference.
- 18.9. The order in which witnesses and experts will be heard shall be discussed during the pre-hearing organizational meeting.
- 18.10. Witnesses and experts will be examined by each party under the supervision of the Arbitral Tribunal. The procedure for examining witnesses and experts at the Hearing will be as set out in the following provisions.
- 18.11. Preliminary statement. Before testifying, each witness must make a statement of truthfulness, as provided for in Rule 38(6) of the Arbitration Rules, and the experts must state that they are testifying according to their best knowledge and belief, as provided for in Rule 38(8) of the Arbitration Rules.
- 18.12. Direct Testimony. The statement of each witness and the report or expert opinion of each expert shall constitute the direct testimony of the corresponding witness or expert. Notwithstanding the foregoing, the Party presenting the witness at the hearing may conduct a brief examination of up to 15 minutes, which shall be focused on introducing the witness, confirming the accuracy and completeness of the witness's written statement(s), and presenting any corrections or clarifications necessary to avoid misinterpretation of the written testimony. Experts may make a presentation summarizing their respective expert reports. The duration of such presentations will be decided by the Arbitral Tribunal after consulting with the Parties at the pre-hearing organizational meeting. No new testimony will be permitted as part of direct testimony during the hearing. Furthermore, at the hearing, the Arbitral Tribunal will not admit any direct testimony or other evidence not submitted with the prior written submissions.
- 18.13. Examination. The direct examination of witnesses and experts shall be followed by cross-examination by the other Party and subsequently by re-direct examination by the Party presenting the witness or expert.
 - 18.13.1. Cross-examination will be limited to the issues addressed in the pleadings, witness statements, documentary evidence, or oral statements of the witness called by the other Party, provided that they concern facts known to the witness

or, in the case of experts, are issues of their experience or expertise, and are in both cases within the framework of the dispute; as well as issues of credibility.

18.13.2. The re-direct examination will be limited to topics raised in the cross-examination.

18.13.3. In exceptional circumstances and when expressly authorized by the Tribunal, the re-direct examination will be followed by a second round of cross-examination limited to the matters or issues raised during the re-examination.

18.14. Questions from the Tribunal. The Arbitral Tribunal may ask questions before, during or after the examination of any witness or expert. The Arbitral Tribunal may, on its own initiative or at the request of a Party, order that a witness or expert be called back for further examination at any time. It may also put questions to the experts presented by the Parties.

18.15. Witness or Expert Witness Attendance Before Their Testimony. Unless otherwise agreed by the Parties or decided by the Tribunal, before their testimony, witnesses shall not be present in the hearing room or hear or view any audio or video recordings, or transcripts, of the oral arguments or oral testimony and shall not be informed of their content. Afterward, witnesses may be present at the hearing. Furthermore, once the hearing has begun, witnesses may not have any contact with other witnesses who are pending testimony. Party representatives who also appear as witnesses may attend the opening statements but shall not be present during the testimony of other witnesses who testify before them. To the extent possible, such Party representatives shall testify first. Experts will be allowed to be in the hearing room at all times.

19. Pre-Hearing Organizational Meeting
Arbitration Rule 31

19.1. A pre-hearing organizational meeting shall be held on a date determined by the Tribunal after consultation with the Parties approximately 6 weeks before the Hearing. 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 may convene case management conferences with the Parties in accordance with ICSID Arbitration Rule 31 for any purposes in its discretion that it considers will promote the efficiency of the proceedings, including in order to (i) put in place a process to identify uncontested facts as to the case or particular issues (*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).
- 20.2. It is expected that a case management conference will be held after the first round of written submissions in accordance with **Annex B**.
- 20.3. The Tribunal may submit questions to the Parties in advance of the case management conference and/or the hearing. The Parties shall be prepared to address such questions during the relevant procedural stage, as directed by the Tribunal.

21. Hearings

Arbitration Rule 32

- 21.1. A hearing shall be held in accordance with the provisions set out in this Section and in the Procedural Calendar (**Annex B**). The oral procedure shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.
- 21.2. The hearing shall be held in-person or, only in exceptional circumstances, the Tribunal may decide to hold the hearing remotely or in a hybrid format, taking into account the views of the Parties and the specific circumstances of the case. An in-person hearing shall be held at a place to be determined in accordance with §10 above.
- 21.3. In accordance with Article 835(1) of the Canada-Peru FTA, hearings shall be open to the public. The Tribunal may hold portions of hearings *in camera* to the extent necessary to ensure the protection of confidential information.
- 21.4. The procedures for the protection of confidential information and appropriate logistical arrangements for open hearings are provided in Procedural Order No. 2.
- 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. In principle, each Party shall be allocated an equal amount of time during the hearing, subject to discussion at the pre-hearing conference, taking into account the number of witnesses and experts offered by each Party and the time available for the hearing.

21.7. On a date to be determined by the Tribunal and, in any event, no later than two weeks before the hearing, the Parties shall submit to the Tribunal and the Tribunal Secretary, jointly or, if no agreement can be reached, separately, upon prior request of the Tribunal, in its discretion:

21.7.1. A tabulated chronology of the relevant facts of the case;

21.7.2. A list and brief description of the individuals and entities involved in the factual background of the case (“*dramatis personae*”); and

21.7.3. A list of the substantive issues that the Tribunal is requested to decide.

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 transcripts in the procedural languages 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 will try to 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, whichever is received later. The agreed corrections may be entered by the court reporter in the transcripts (“revised transcripts”). In the event of any disagreement between the Parties, the Parties agree that the original language audio transcript prevails. The Tribunal shall decide upon any remaining disagreement between the Parties and any correction adopted by the Tribunal shall be entered by the court reporter in the revised transcripts.

23. Post-Hearing Memorials and Statements of Costs

Convention Article 44; Arbitration Rules 51

23.1. At the conclusion of the hearing, and in consultation with the Parties, the Tribunal shall determine whether post-hearing briefs will be submitted. If so, the Tribunal shall address the timing, length, format, and content of such submissions, as well as any authorization to introduce any additional exhibits and/or legal authorities in response to Tribunal questions.

23.2. The Tribunal shall provide instructions regarding the Parties’ cost submissions at the close of the hearing.

24. Transparency Matters

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

- 24.1. The Parties hereby agree that all pleadings submitted to the Tribunal, and all orders, decisions, and awards issued by, the Tribunal shall be publicly available, subject to the deletion of confidential information, in accordance with Treaty, Art. 835(3).
- 24.2. In accordance with Treaty, Art. 835(4), ICSID shall publish any Tribunal award on its website, subject to the deletion of confidential information, as provided in Procedural Order No. 2.
- 24.3. 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. They acknowledge having read ICSID's "[Personal Data Privacy Notice – Proceedings](#)" ("Notice").
- 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, including witnesses and experts. 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. If the Parties settle the dispute in full, they may request that the Tribunal embody their settlement in its Award, pursuant to ICSID Arbitration Rule 55(2). Any agreement pursuant to ICSID Arbitration Rule 54(1), made in order to pursue amicable settlement discussions, should be communicated to the Tribunal.

27. Conduct of the arbitration
Arbitration Rule 3

- 27.1. The Tribunal and the Parties shall conduct the proceeding in good faith and in an expeditious and cost-effective manner, and the Parties will refrain from aggravating the dispute.

28. Disability Inclusion

- 28.1. The Parties shall inform the Tribunal if there are any disability-related considerations concerning the Parties, witnesses, legal counsel, or any other participant that should be taken into account in the organization of the arbitration proceedings, including the hearing.

29. Artificial Intelligence

- 29.1. Each Party and the Tribunal may use artificial intelligence (“AI”) tools, including generative AI, to perform some of its tasks, such as preparation of summaries, searching and organizing the record, and legal research.
- 29.2. Each Party and the Tribunal shall ensure that the AI tools that it uses provide adequate guarantees of cybersecurity and confidentiality.
- 29.3. Any output generated by an AI tool shall be reviewed, verified, and assessed by the relevant Party or the Tribunal before being relied upon in any way. AI-generated material shall not be used by a Party or adopted by the Tribunal without the relevant Party or Tribunal that seeks to rely on it undertaking this review, verification, and assessment.
- 29.4. The Tribunal shall not use AI tools, including generative artificial intelligence tools, to draft the Award or any part thereof, or in connection with the Tribunal’s deliberations or decision-making process. All determinations of fact, law, procedure, as well as any exercises of discretion shall remain exclusively the responsibility of the Tribunal.

On behalf of the Tribunal,

[signed]

Ms. Lucinda A. Low
President of the Tribunal
Date: June 18, 2026

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
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<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>
SUPPORTING DOCUMENTATION Exhibits	C-####–LANGUAGE
	R-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S FACTUAL EXHIBITS
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001-FR</i> <i>R-0002-SPA</i>
Legal Authorities	CL-####–LANGUAGE
	RL-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S LEGAL AUTHORITIES
	<i>CL-0001-ENG</i>
	<i>CL-0002-FR</i>
	RESPONDENT’S LEGAL AUTHORITIES
	<i>RL-0001-SPA</i> <i>RL-0002-ENG</i>
Witness Statements	Witness Statement-Name of Witness-Name of Submission–LANGUAGE
	<i>Witness Statement-Maria Jones-Memorial on Jurisdiction-SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement]-ENG</i>
Expert Reports	Expert Report-Name of Expert-Type-Name of Submission–LANGUAGE
	<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	Legal Opinion-Name of Expert-Name of Submission–LANGUAGE
	<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,	WITNESS/EXPERT INITIALS-###
	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>
	<i>MJ-0001</i>

Brookfield Corporation v. Republic of Peru
(ICSID Case No. ARB/25/14)

Procedural Order No. 1

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>
	<i>LS-0002</i>
INDICES	Consolidated Hyperlinked Index
	Index of Exhibits-C-#### to C-####
	<i>Index of Exhibits-C-0001 to C-0023</i>
	Index of Legal Authorities-RLA-### to RLA-###
	<i>Index of Legal Authorities-RLA-0001 to RLA-0023</i>
OTHER APPLICATIONS	Name of Application-[Party]-LANGUAGE
	<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>

Annex B – Procedural Calendar¹

Scenario 1: No Request for Bifurcation

	Procedural step	Responsible Entity	Interval	Date
1.	Memorial on the Merits	Claimant	+ 17 weeks (from First Session)	Thursday, 24 September 2026
2.	Respondent informs Claimant and the Tribunal that it will not seek bifurcation	Respondent	+ 4 weeks	Thursday, 22 October 2026
3.	Counter-Memorial on the Merits and Memorial on Jurisdiction	Respondent	+ 17 weeks (from Memorial on the Merits)	Thursday, 21 January 2027
4.	Potential case management conference	Claimant, Respondent, and Tribunal	(subject to confirmation)	Mid-February 2027
5.	Document Production Requests	Claimant and Respondent	+ 4 weeks	Thursday, 18 February 2027
6.	Responses to Document Production Requests	Claimant and Respondent	+ 2 weeks	Thursday, 4 March 2027

¹ Intervals run from the previous step unless otherwise indicated.

7.	Replies on Document Production Requests and Submission of Disputed Requests to the Tribunal	Claimant and Respondent	+ 2 weeks	Thursday, 18 March 2027
8.	Applications to Intervene by “Other Persons” (Treaty Art. 836), if any	“Other Person” applicants	8 weeks from Step #3 (Respondent’s submission of the Counter-Memorial on Merits and Memorial on Jurisdiction)	Thursday, 18 March 2027
9.	Voluntary Productions	Claimant and Respondent	+ 2 weeks	Thursday, 1 April 2027
10.	Parties’ Observations on Applications to Intervene by “Other Persons” (Treaty Art. 836), if any	Claimant and Respondent	3 weeks from Step #8 (Applications to intervene by “Other Persons”)	Thursday, 8 April 2027
11.	Decision on the Parties’ Objections to Document Production Requests	Tribunal	5 weeks from Step # 7 (Submission of Disputed Document Requests to the Tribunal)	Thursday, 22 April 2027
12.	Tribunal’s Decision on Applications to Intervene by “Other Persons”	Tribunal	4 weeks from Step # 10 (Parties’ Observations on Applications to Intervene by “Other Persons” (Treaty Art. 836)	Thursday, 6 May 2027

13.	Production of Documents Ordered by the Tribunal	Claimant and Respondent	3 weeks from Step #11 (Decision on the Parties' Objections to Document Production Requests)	Thursday, 13 May 2027
14.	Submissions by Non-Disputing Party and Authorized "Other Persons"	Non-Disputing Party and Authorized <i>Amicus Curiae</i>	4 weeks from Step #12 (Tribunal's Decision on Applications to Intervene by "Other Persons")	Thursday, 3 June 2027
15.	Reply on the Merits and Counter-Memorial on Jurisdiction	Claimant	+ 3 months	Friday, 3 September 2027
16.	Rejoinder on the Merits and Reply on Jurisdiction	Respondent	+ 3 months	Friday, 3 December 2027
17.	Rejoinder on Jurisdiction	Claimant	+ 8 weeks	Friday, 28 January 2028
18.	Notification of Witnesses and Experts to be Cross-Examined at the Hearing	Claimant and Respondent	6 weeks before the Hearing	7 May 2028
19.	Pre-Hearing Conference	Claimant, Respondent, and Tribunal	5 weeks before the Hearing	Week of 14 May 2028 (TBC)
20.	Hearing	Claimant, Respondent, and Tribunal	Week of 19 June 2028	

Scenario 2: Bifurcation Requested and Granted

	Procedural step	Responsible Entity	Interval	Date
1.	Memorial on the Merits	Claimant	+ 17 weeks (from First Session)	Thursday, 24 September 2026
2.	Request for Bifurcation	Respondent	+ 4 weeks	Thursday, 22 October 2026
3.	Answer to Request for Bifurcation	Claimant	+ 4 weeks	Thursday, 19 November 2026
4.	Decision granting bifurcation	Tribunal	+ 7 weeks	Thursday, 7 January 2027
5.	Memorial on Jurisdiction	Respondent	+ 15 weeks	Thursday, 22 April 2027
6.	Counter-Memorial on Jurisdiction	Claimant	+ 15 weeks	Thursday, 5 August 2027
7.	Submissions by Non-Disputing Party	Non-Disputing Party	+ 7 weeks	Thursday, 23 September 2027
8.	Reply on Jurisdiction	Respondent	+ 13 weeks (from Step 6, Counter-Memorial on Jurisdiction)	Thursday, 4 November 2027
9.	Rejoinder on Jurisdiction	Claimant	+ 13 weeks	Thursday, 3 February 2028

10.	Notification of Witnesses and Experts to be Cross-Examined at the Hearing	Claimant and Respondent	6 weeks before the Hearing	Week of 7 May 2028
11.	Pre-Hearing Conference	Claimant, Respondent, and Tribunal	5 weeks before the Hearing	Week of 14 May 2028
12.	Hearing	Claimant, Respondent, and Tribunal	Week of 19 June 2028	

* Provided that any Decision on Jurisdiction does not result in a complete dismissal of all claims, the Tribunal, after coordination with the Parties, will issue a new procedural calendar for the remainder of the proceeding.

Scenario 3: Bifurcation Requested and Denied

	Procedural step	Responsible Entity	Interval	Date
1.	Memorial on the Merits	Claimant	+ 17 weeks (from First Session)	Thursday, 24 September 2026
2.	Request for Bifurcation	Respondent	+ 4 weeks	Thursday, 22 October 2026
3.	Answer to Request for Bifurcation	Claimant	+ 4 weeks	Thursday, 19 November 2026
4.	Decision denying bifurcation	Tribunal	+ 7 weeks	Thursday, 7 January 2027
5.	Counter-Memorial on the Merits and Memorial on Jurisdiction	Respondent	+ 15 weeks	Thursday, 22 April 2027
6.	Potential case management conference	Claimant, Respondent, and Tribunal	(subject to confirmation)	Thursday, 3 June 2027
7.	Document Production Requests	Claimant and Respondent	+ 4 weeks	Thursday, 20 May 2027
8.	Responses to Document Production Requests	Claimant and Respondent	+ 2 weeks	Thursday, 3 June 2027

9.	Replies on Document Production Requests and Submission of Disputed Requests to the Tribunal	Claimant and Respondent	+ 2 weeks	Thursday, 17 June 2027
10.	Applications to Intervene by “Other Persons” (Treaty Art. 836), if any	“Other Person” applicants	8 weeks from Step #5 (Respondent’s submission of the Counter-Memorial on Merits and Memorial on Jurisdiction)	Thursday, 17 June 2027
11.	Voluntary Productions	Claimant and Respondent	+ 2 weeks from Step #9 (Replies on Document Production Requests and Submission of Disputed Requests to the Tribunal)	Thursday, 1 July 2027
12.	Parties’ Observations on Applications to Intervene by “Other Persons” (Treaty Art. 836), if any	Claimant and Respondent	3 weeks from Step #10 (Applications to intervene by “Other Persons”)	Thursday, 8 July 2027
13.	Decision on the Parties’ Objections to Document Production Requests	Tribunal	4 weeks from Step # 9 (Submission of Disputed Document Requests to the Tribunal)	Thursday, 15 July 2027
14.	Production of Documents Ordered by the Tribunal	Claimant and Respondent	+ 3 weeks	Thursday, 5 August 2027

15.	Tribunal's Decision on Applications to Intervene by "Other Persons"	Tribunal	4 weeks from Step # 12 (Parties' Observations on Applications to Intervene by "Other Persons" (Treaty Art. 836)	Thursday, 5 August 2027
16.	Submissions by Non-Disputing Party and Authorized "Other Persons"	Non-Disputing Party and Authorized <i>Amicus Curiae</i>	4 weeks	Thursday, 2 September 2027
17.	Reply on the Merits	Claimant	3 months from Step # 14 (Production of Documents Ordered by the Tribunal)	Friday 5 November 2027
18.	Rejoinder on the Merits and Reply on Jurisdiction	Respondent	+ 15 weeks	Friday, 18 February 2028
19.	Rejoinder on Jurisdiction	Claimant	+ 8 weeks	Friday, 15 April 2028
20.	Notification of Witnesses and Experts to be Cross-Examined at the Hearing	Claimant and Respondent	6 weeks before the Hearing	Week of 7 May 2028
21.	Pre-Hearing Conference	Claimant, Respondent, and Tribunal	5 weeks before the Hearing	Week of 14 May 2028
22.	Hearing	Claimant, Respondent, and Tribunal	Week of 19 June 2028	

Annex C – Model Schedule for Document Requests

Requesting Party: [...]

Requested Party: [...]

Document Request No. [...] [One table per request]			
R1: Scope of request (max. 200 words)			
Requesting Party (Description of requested Documents or of a narrow and specific category of Documents that are reasonably believed to exist)	Requested Party (Objections to scope of request)	Requesting Party (Reply and reformulation of request, if appropriate)	Tribunal ¹
Time frame of request			
R2: Relevance and materiality (max. 400 words)			
Requesting Party (Statement)	Requested Party (Comments and Objections)	Requesting Party (Reply)	Tribunal
[This section must contain the following: A. Predicate fact that is in dispute: Precise summary of the predicate fact, the existence or occurrence or description of which is in dispute, followed then by reference to the Memorial and	[This section must respond to each of the points made by the Requesting Party]		

¹ This column is reserved for Tribunal deliberations and will not necessarily be filled when the Tribunal issues its decision.

Counter-Memorial paragraphs which demonstrate the exact extent of the dispute as to existence or occurrence or description. B. Relevance and Materiality of the Predicate Fact: Precise summary as to why the resolution of the dispute as to the existence or occurrence or description of the predicate fact will be both relevant and material to the disposition of a claim/s or defence/s. Generalised or sweeping statements setting out relevance and materiality in the abstract will not suffice. C. Evidential necessity for the Document(s) or category of Documents: Precise summary as to (i) how the Document(s) sought will materially assist the Tribunal in resolving the dispute as to the existence, occurrence or description of the predicate fact, and (ii) why the evidence already available to the Requesting Party is insufficient for this purpose.			
R3: Possession, custody or control (max. 100 words)			
Requesting Party (Statement)	Requested Party (Objections, Statement)	Requesting Party (Reply)	Tribunal
O1: Legal impediment or privilege (max. 200 words)			
Requested Party (Objections)	Requesting Party (Response)	N/A	Tribunal

Brookfield Corporation v. Republic of Peru
(ICSID Case No. ARB/25/14)

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O2: Production is unreasonably burdensome (max. 200 words)			
Requested Party (Objections)	Requesting Party (Response)	N/A	Tribunal
O3: Loss or destruction (max. 100 words)			
Requested Party (Objections)	Requesting Party (Response)	N/A	Tribunal
O4: Technical or commercial confidentiality (max. 200 words)			
Requested Party (Objections)	Requesting Party (Response)	N/A	Tribunal
O5: Procedural economy, proportionality, fairness or equality (max. 100 words)			
Requested Party (Objections)	Requesting Party (Response)	N/A	Tribunal
O6: Other (max. 100 words)			
Requested Party (Objections)	Requesting Party (Response)	N/A	Tribunal
Tribunal's Decision			
[Requests will be granted, denied or reformulated as the Tribunal finds appropriate. The Tribunal will provide minimal reasons. If the Requesting Party fails to comply with the cumulative and precise requirements set out in R1 to R3 above, the request will be denied <i>in limine</i> .]			

Annex D – Privilege Log Template

No.	Document type¹	Date	Author(s)	Addressee(s) (including in cc)	Reason for Withholding / Redaction	Request(s) to Which the Document Is Responsive	Bates Number (for Redacted Documents)

¹ *E.g.*, Memorandum, Email, Letter.