

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

WASHINGTON, D.C.

In the arbitration proceeding between

Universal Compression International Holdings, S.L.U.

Claimant

and

The Bolivarian Republic of Venezuela

Respondent

(ICSID CASE NO. ARB/10/9)

**ORDER OF THE TRIBUNAL TAKING NOTE OF THE
DISCONTINUANCE OF THE PROCEEDING**

Members of the Tribunal

Mr. J. William Rowley, QC, *President*
Professor Guido Santiago Tawil
Professor Brigitte Stern

Secretary of the Tribunal

Mr. Gonzalo Flores

Date: January 3, 2019

REPRESENTATION OF THE PARTIES

Representing Universal Compression
International Holdings, S.L.U.:

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Representing the Bolivarian Republic of
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Dr. Reinaldo Enrique Muñoz Pedroza
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Mr. George Kahale III
Mr. Eloy Barbará de Parres
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1. On March 23, 2010, Universal Compression International Holdings, SLU, a company incorporated in the Kingdom of Spain, filed a Request for Arbitration under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States against the Bolivarian Republic of Venezuela.
2. On April 12, 2010, the Secretary-General of ICSID registered the Request for Arbitration pursuant to Article 36(3) of the ICSID Convention.
3. In the absence of an agreement between the parties with respect to the number of arbitrators that would comprise the tribunal in this case and the method for their appointment, the Claimant, by letter of August 4, 2010, chose the formula provided for in Art. 37(2)(b) of the Convention. The Claimant appointed Prof. Guido Santiago Tawil, a national of the Argentine Republic, as arbitrator. The Respondent appointed Prof. Brigitte Stern, a French national, as arbitrator.
4. The parties could not agree on a candidate for president of the tribunal. Accordingly, on September 7, 2010, the Claimant requested that the missing appointment and designation be made by the Chairman of the ICSID Administrative Council in accordance with Art. 38 of the Convention.
5. On October 13, 2010, the Secretary-General informed the parties that she intended to recommend to the Chairman that he appoint Mr. J. William Rowley, QC, a Canadian national and a member of the ICSID Panel of Arbitrators designated by Mongolia, as the president of the Tribunal. Claimant and Respondent confirmed that they had no objection to the appointment of Mr. Rowley on October 20 and 25, 2010, respectively.
6. On November 3, 2010, the Secretary-General informed the parties that the three arbitrators had accepted their appointments and that in accordance with ICSID Arbitration Rule 6, the Tribunal was deemed to have been constituted and the proceeding to have begun as of that date.
7. On July 27, 2011, the Tribunal held a first session with the parties at the seat of the Centre in Washington D.C. In accordance with the procedural schedule agreed upon during the first session, the parties filed written pleadings as follows: on August 31, 2011, the Claimant filed a memorial on the merits; on December 30, 2011, the Respondent filed a

counter-memorial on the merits; on March 12, 2012, the Claimant filed a reply on the merits; and on May 29, 2012, the Respondent filed a rejoinder on the merits.

8. From July 9 through 13, 2012, the Tribunal held a hearing on the merits at the seat of the Centre in Washington, D.C.

9. On August 7, 2012, the parties jointly informed the Centre that they had reached an agreement under which the arbitration proceeding should remain suspended until the date of final payment and release of claims in accordance with the specific terms of the parties' agreement.

10. By Procedural Order of September 16, 2013, the Tribunal approved the parties' agreement and the proceeding was accordingly suspended until the conditions expressly stated in the parties' agreement had been met.

11. On December 14, 2018, counsel for the Claimant informed the Tribunal that the conditions set forth in the parties' agreement had been satisfied and accordingly requested the immediate and definitive termination of the Arbitration.

12. Rule 43(1) of the ICSID Arbitration Rules provides:

If, before the award is rendered, the parties agree on a settlement of the dispute or otherwise to discontinue the proceeding, the Tribunal, or the Secretary-General if the Tribunal has not yet been constituted, shall, at their written request, in an order take note of the discontinuance of the proceeding.

ORDER

THEREFORE, in light of the parties' agreement, and pursuant to Rule 43(1) of the ICSID Arbitration Rules, the Arbitral Tribunal hereby takes note of the discontinuance of the proceeding.

[signed]
For the Tribunal
Mr. J. William Rowley, QC
President of the Tribunal