

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Gabriel Resources Ltd. and Gabriel Resources (Jersey) Ltd.

v.

Romania

(ICSID Case No. ARB/15/31)

PROCEDURAL ORDER No. 22

Members of the Tribunal

Prof. Pierre Tercier, President of the Tribunal

Prof. Horacio A. Grigera Naón, Arbitrator

Prof. Zachary Douglas QC, Arbitrator

Secretary of the Tribunal

Ms. Sara Marzal Yetano

Assistant to the Tribunal

Ms. Maria Athanasiou

03 May 2019

I. PROCEDURE

1. On 26 August 2016, the Tribunal issued *Procedural Order No. 1* (“PO 1”) on the procedure of the present arbitration.
2. On 10 January 2017, the Tribunal adopted the Procedural Calendar, issued as Annex A to *Procedural Order No. 4* (“PO 4”).

This Procedural Calendar has been amended twice by the Parties. First, by their respective letters of 7 and 13 of February 2018, and more recently, by their 11 April 2018 communications. These amendments have not been confirmed by the Tribunal.

3. On 7 February 2018, Teresa Cheng (the then President of the Tribunal) resigned.
4. On 5 April 2018, Prof. Pierre Tercier was appointed as President of the Tribunal.
5. On 27 April 2018, the Parties communicated their joint proposals on the Procedural Calendar.
6. On 8 May 2018, the Tribunal asked the Parties to reserve the weeks of 2 and 9 December 2019 for the hearing. Both Parties confirmed their availabilities and the Tribunal acknowledged such confirmation on 18 May 2018.
7. On 29 May 2018, the Tribunal and the Parties held a conference call, during which they discussed several items, including the confirmation of the amendments to the Procedural Calendar as proposed on 27 April 2018 by the Parties.
8. On 5 June 2018, the Tribunal issued *Procedural Order No. 9* (“PO 9”) adopting the amended Procedural Calendar of the present arbitration.
9. On 18 and 19 October 2018, the Parties communicated an agreed amendment to the Procedural Calendar to the Tribunal.
10. On 5 June 2018, the Tribunal issued *Procedural Order No. 18* (“PO 18”) adopting the further amended Procedural Calendar of the present arbitration.
11. On 13 December 2018, Claimants requested an extension until 28 February 2019 to file their comments on the Non-Disputing Parties’ Submission. These comments were due, simultaneously with those of Respondent, on 18 January 2019.
12. On 26 December 2018, and following relevant correspondence from Respondent and the Tribunal, Respondent accepted Claimants’ request for extension.
13. On 27 December 2018, the extension was confirmed by the Tribunal.
14. On 3 January 2019, the Tribunal issued *Procedural Order No. 21* (“PO 21”) adopting the further amended Procedural Calendar in the present arbitration.

15. On 2 May 2019, the Parties communicated their agreed amendments to the Procedural Calendar of the present arbitration as follows:
- To extend the deadline for submission of Respondent’s *Rejoinder and Reply on New Jurisdictional Objection* from 10 May 2019 to 24 May 2019;
 - To extend the deadline for submission of Claimants’ *Surrejoinder on New Jurisdictional Objection* from 14 June 2019 to 28 June 2019; and
 - To advance the date for the *notification of witnesses and experts*, currently set for six weeks before the hearing, to 9 September 2019.
16. On 3 May 2019, the Tribunal confirmed and agreed with the Parties’ amendments to the Procedural Calendar.

II. ORDER

17. Having reviewed and considered the Parties’ correspondence and agreement to amend the Procedural Calendar – to which the Tribunal agreed – the Tribunal hereby orders as follows:

The Tribunal adopts the amended Procedural Calendar as enclosed to the present Procedural Order No. 22 as Annex A.

On behalf of the Tribunal,

[*Signed*]

Prof. Pierre Tercier
President of the Tribunal
03 May 2019

Annex A
Amended Procedural Calendar

Description	Party/Tribunal	Period of Time (from prior step)	Date	Paragraph in Procedural Order No. 1
First Session of the Arbitral Tribunal	All	August 12, 2016	-	
Memorial	CLAIMANTS	7 months	June 30, 2017	§§13, 14, 16
Counter-Memorial	RESPONDENT	7.5 months	February 22, 2018	§§13, 14, 16
Requests for production of documents	CLAIMANTS AND RESPONDENT	1 month	March 22, 2018	§15
Production of non- objected documents and objections to produce	CLAIMANTS AND RESPONDENT	4 weeks	April 19, 2018	§15
Reply to objections to produce	CLAIMANTS AND RESPONDENT	3 weeks	May 10, 2018	§15
Memorial on new jurisdictional objection	RESPONDENT	n/a	May 25, 2018	
Decision on requests for production of documents	TRIBUNAL	4 weeks from Parties' replies to objections to produce	June 7, 2018	§15

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Production as ordered	CLAIMANTS AND RESPONDENT	2 weeks	June 21, 2018	§15
Reply and Counter-Memorial on new jurisdictional objection	CLAIMANTS	Adjusted in view of changes in schedule	November 2, 2018	§§13, 14, 16
Applications to File Non-Disputing Party Submissions	-	1 week	November 9, 2018	§24
Comments on Non-Disputing Party Applications	CLAIMANTS AND RESPONDENT	2 weeks	November 23, 2018	§24
Decision on Non-Disputing Party Applications	TRIBUNAL	2 weeks	December 7, 2018	§24
Comments on Non-Disputing Party Submissions (if any are admitted by Tribunal)	CLAIMANTS AND RESPONDENT	12 weeks ¹	February 28, 2019	§24
Rejoinder and Reply on New Jurisdictional Objection	RESPONDENT	6 months and 3 weeks after Reply	May 24, 2019	§§13, 14, 16
Surrejoinder on New Jurisdictional Objection	CLAIMANTS	5 weeks	June 28, 2019	
Notification of Witnesses and Experts	CLAIMANTS AND RESPONDENT	2 months and 3 weeks before hearing	September 9, 2019	§18
Pre-Hearing Organizational Meeting	All	4 weeks before Hearing	TBD	§19

¹ Adjusted to account reasonably for year-end holidays.

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Hearing	All		December 2-13, 2019	§20
Post-Hearing Memorials	CLAIMANTS AND RESPONDENT		Need and Timing TBD	§22
Cost submissions	CLAIMANTS AND RESPONDENT		Need and Timing TBD	§22
Award / Decision	TRIBUNAL		TBD	§5, 23