

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Woodhouse Investment Pte Ltd and West Cumbria Mining (Holdings) Limited

v.

United Kingdom of Great Britain and Northern Ireland

(ICSID Case No. ARB/25/37)

PROCEDURAL ORDER NO. 1

Members of the Tribunal

Prof. Juan Fernández-Armesto, President of the Tribunal

Dr. Michael Pryles, Arbitrator

Prof. Sean D. Murphy, Arbitrator

Secretary of the Tribunal

Ms. Anna Holloway

Assistant to the Tribunal

Mr. Santiago Soto García

27 January 2026

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Introduction

The first session of the Tribunal was held on 16 January 2026, at 3 p.m., by video conference via Zoom [the “**First Session**”]. The First Session was adjourned at 3:43 p.m.

A recording of the First 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 First Session were:

Members of the Tribunal:

Prof. Juan Fernández-Armesto, President of the Tribunal

Dr. Michael Pryles, Arbitrator

Prof. Sean D. Murphy, Arbitrator

ICSID Secretariat:

Ms. Anna Holloway, Secretary of the Tribunal

Assistant to the Tribunal:

Mr. Santiago Soto García

On behalf of the Claimants:

Sir Geoffrey Cox KC, Thomas More Chambers

Prof Hussein Haeri KC, Withers LLP

Dr. Robert Kovacs, Withers LLP

Ms. Clàudia Baró Huelmo, Withers LLP

Mr. Marco Seregni, Withers LLP

Mr. Mark Kirkbride, West Cumbria Mining (Holdings) Limited

On behalf of the Respondent:

Mr. Sam Wordsworth KC, Essex Court Chambers

Mr. Thomas Sebastian, Essex Court Chambers

Dr. Naomi Hart, Essex Court Chambers

Ms. Courtney Grafton, Twenty Essex

Ms. Alma Mozetič, Twenty Essex

Ms. Shasa Behzadi-Spencer, UK Department for Business and Trade Legal Advisers

Ms. Ciara Murphy, UK Department for Business and Trade Legal Advisers

Mr. Tom Pendlebury, UK Department for Business and Trade Legal Advisers

Mr. Luke Baxter, UK Department for Business and Trade Legal Advisers

Ms. Fahmida Ali, UK Department for Business and Trade Legal Advisers

The Tribunal and the Parties considered the following:

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- The Draft Procedural Order No. 1 and No. 2 circulated by the Tribunal Secretary on 10 December 2025; and
- The Parties' comments on the Draft Procedural Orders received on 9 January 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, 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 procedural timetable is attached as **Annex A** [**"Procedural Timetable"**].

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 18 November 2025, in accordance with the ICSID Convention and the ICSID 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.
- 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 22 September 2025, 21 October 2025, and 18 November 2025.
- 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 shall use best efforts to meet all time limits for orders, decisions and the Award, in accordance with ICSID Arbitration Rule 12(1).

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2.4. The contact details for the Members of the Tribunal are:

Prof. Juan Fernández-Armesto
Armesto Dispute Resolution



Dr. Michael Pryles



Prof. Sean D. Murphy
George Washington
University Law School



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.

4. Presence, quorum and deliberations

Arbitration Rules 33 and 34

4.1. The participation of a majority of the Members of the Tribunal by any appropriate means of communication is required at the First Session, case management conferences, hearings and deliberations, except as otherwise provided in the Arbitration Rules or agreed by the Parties.

4.2. The Members of the Tribunal shall endeavor to reserve the necessary time after any hearing to determine the next steps and to hold deliberations.

4.3. The President shall determine the date, place, time, procedure and method of holding deliberations, after consulting with the other Members of the Tribunal.

4.4. The deliberations of the Tribunal shall take place in private and remain confidential.

4.5. The Tribunal may be assisted by the Assistant and Secretary of the Tribunal at its deliberations.

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.

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- 5.2. Orders, decisions and the Award may be made by any appropriate means of communication.
 - 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.
 - 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 use best efforts to issue all rulings, including the Award, within the time limits prescribed by the ICSID Arbitration Rules. If the Tribunal cannot comply with an applicable time limit, it shall advise the Parties of the special circumstances justifying the delay and the date when it anticipates rendering the ruling, in accordance with ICSID Arbitration Rule 12(2).
 - 5.8. Any ruling of the Tribunal, including the certified copy of the Award, shall be dispatched electronically to the Parties.
6. Power to fix time limits
Arbitration Rules 10 and 11
- 6.1. The President 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. In exercising the power to fix time limits under Arbitration Rule 10(1), the President shall consult with the Parties as far as possible. If the matter is urgent, the President may fix time limits without consulting the Parties, subject to possible reconsideration of such decision by the full Tribunal.

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7. Secretary of the Tribunal

Administrative and Financial Regulation 28

- 7.1. The Tribunal Secretary is Anna Holloway, 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. Anna Holloway
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
United States of America
Tel.: +1 (202) 473-7762
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Email: aholloway1@worldbank.org
Paralegal name: Ekaterina Minina Polifron
Paralegal email: eminina@worldbank.org
ICSID case address: arb/25/37@icsidcases.worldbank.org

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

Ms. Anna Holloway
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. Assistant to the Tribunal

- 8.1. By letter of 24 November 2025 the Tribunal explained to the Parties that it considered that it would benefit the overall cost and time efficiency of the proceedings if the Tribunal had an assistant. The Tribunal proposed that Mr. Santiago Soto García of Armesto Dispute Resolution be appointed as Assistant to the Tribunal. Mr. Soto García's *curriculum vitae* was distributed to the Parties.
- 8.2. The Assistant to the Tribunal would (a) undertake only such specific tasks as are assigned to him by the President, such as (i) the marshaling of evidence and the organization of the case documents, (ii) attendance and note taking at meetings,

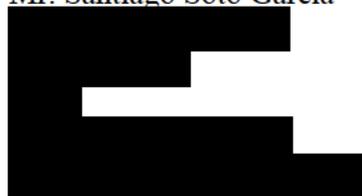
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hearings and deliberations, (iii) research of specific issues of law, and (iv) preparing for the Tribunal's review drafts of procedural orders, as well as drafts of factual or descriptive portions of an award, such as the procedural histories, chronologies of facts, and summaries of the Parties' positions, and (b) be subject to the same confidentiality obligations as the Members of the Tribunal and sign a declaration to that effect. Under no circumstances shall the Tribunal delegate its decision-making functions to the Assistant to the Tribunal, nor shall it request him to perform any of the essential duties of the Tribunal on its behalf.

8.3. The Parties consented to the appointment of Mr. Soto García as Assistant to the Tribunal on the terms set out in the Tribunal's letter of 24 November 2025 on 1 December 2025, and agreed modifications to these terms, in the form set out in §8.2 and §8.5, in their comments of 9 January 2026. With the express agreement of the Parties, the Tribunal hereby appoints Mr. Soto García as Assistant to the Tribunal.

8.4. Mr. Soto García's contact details are the following:

Mr. Santiago Soto García



8.5. The Assistant to the Tribunal shall be remunerated directly by the President of the Tribunal, without causing any additional cost to the Parties, save that the Assistant to the Tribunal shall be entitled to reimbursement of reasonable expenses related to a hearing, session or meeting, as follows: (i) actual expenses of overnight lodging and other charges when traveling to an ICSID hearing, session or meeting held away from his residence up to but not exceeding US\$900 per day; and (ii) reimbursements for the costs of air (at one class above economy class) and ground transportation to and from the city where the hearing, session or meeting is held.

8.6. The Tribunal may remove the Assistant to the Tribunal at its discretion. The Tribunal may appoint a substitute, after submitting to the Parties the substitute's *curriculum vitae* and declaration of independence and impartiality and seeking the Parties' consent.

9. Representation of the Parties
Arbitration Rule 2

9.1. 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.

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For the Claimant

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9.2. 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.

10. Apportionment of costs and advance payments to ICSID – division of advances
Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 50

10.1. 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.

10.2. Following registration of the Request for Arbitration, by letter of 8 August 2025, ICSID informed the Parties that USD 400,000 was 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 Claimants pay USD 200,000. ICSID received the Claimants' payment on 5 September 2025. Upon the constitution of the Tribunal, by letter of 18 November 2025, ICSID requested that the Respondent pay USD 200,000. ICSID received the Respondent's payment on 23 December 2025.

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

11. Place of proceeding and hearings
Convention Articles 62 and 63; Arbitration Rule 32

11.1. Paris, France, shall be the place of the proceeding.

11.2. The Tribunal may hold in-person hearings at any other place that it considers appropriate after consultation with the Parties. The method of holding a hearing shall be determined in accordance with §§ 24.2 and 24.3.

11.3. The Tribunal Members may deliberate at any place and by any appropriate means they consider convenient.

12. Procedural language(s), translation and interpretation
Administrative and Financial Regulation 32; Arbitration Rule 7

12.1. English is the procedural language of the arbitration.

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- 12.2. Documents filed in any other language must be accompanied by a translation into English.
- 12.3. It is sufficient to translate only the relevant part of a supporting document, unless the Tribunal orders a Party to provide a fuller or a complete translation.
- 12.4. Translations need not be certified, unless the translation is disputed and the Tribunal orders a Party to provide a certified translation.
- 12.5. Documents exchanged between the Parties in a language other than English under §16 below (Production of documents) need not be translated.
- 12.6. The testimony of a witness called for examination during the hearing who needs to give evidence in a language other than English shall be interpreted, simultaneously if possible.
- 12.7. The Parties shall notify the Tribunal which witnesses or experts, if any, require interpretation, no later than when notifying which witnesses and experts are called for examination at the hearing (see **Annex A** – Procedural Timetable below) and as soon as possible.
- 12.8. The costs of interpretation shall 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.

13. Routing of communications
Arbitration Rule 6

- 13.1. The ICSID Secretariat shall be the channel of written communications between the Parties and the Tribunal.
- 13.2. 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 and the Assistant.
- 13.3. Electronic versions of communications to be filed simultaneously (by order of the Tribunal or agreement of the Parties) shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing Party and the Tribunal and the Assistant, with the exception of the document production, exchanges for which the relevant procedures will be set out in a forthcoming procedural order..
- 13.4. The Tribunal Secretary shall not be copied on communications between the Parties when such communications are not intended to be transmitted to the Tribunal, with the

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exception of the document production exchanges for which the relevant procedures will be set out in a forthcoming procedural order.

14. Number of copies and method of filing of Parties' pleadings
Arbitration Rules 4, 5 and 9

14.1. The Parties shall:

14.1.1. by the relevant filing date, 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;¹ and

14.1.2. within five business days of the relevant filing date, upload the pleading with all the supporting documentation and updated index to the file sharing platform that has been created by ICSID for purposes of this case.²

14.2. Electronic files of pleadings, witness statements, expert reports, exhibits and legal authorities shall be text searchable (i.e. OCR PDF or Word). Any spreadsheet or excel table shall be editable and all formulae visible; data used in the creation of spreadsheets and tables should indicate its source.

14.3. All pleadings shall contain consecutively numbered paragraphs, shall include a table of contents, 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 [**"Cumulative Index"**]. The Cumulative Index shall indicate the document number and the pleading with which it was submitted, and shall follow the naming conventions contained in Annex B.

14.4. Seven business days after the submission of the pleading, the Parties shall also submit an index of all the exhibits attached to the pleading, and any prior pleadings made by that Party, organized in chronological order [**"Chronological Index"**]. This Chronological Index shall be updated for each pleading.

14.5. Also seven business days after the submission of the pleading, the Parties shall send a hard copy of the pleading, and any accompanying witness statements, and expert reports (but no fact exhibits, legal authorities or expert exhibits) by courier to Dr. Pryles and Prof. Murphy, at the addresses specified in § 2.4. The hard copy documents should be printed double-sided on A5 (or similar sized) paper, and spiral bound.

14.6. 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

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.

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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

- 14.7. 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.
- 14.8. A filing shall be deemed timely if sent by a Party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday, the relevant date is the subsequent business day.

15. Number and sequence of pleadings – Procedural Timetable
Arbitration Rule 30

- 15.1. The proceedings shall consist of a written phase followed by an oral phase. To the extent that the procedure is bifurcated to deal with jurisdictional objections in a preliminary phase, there may be more than one written and oral phase.
- 15.2. The number and sequence of pleadings, and the dates on which they are to be filed, shall be as set out in the Procedural Timetable in **Annex A**. Any amendment to the Procedural Timetable shall be reflected in an updated **Annex A**.
- 15.3. The Parties' first submissions shall set forth the facts, the legal argumentation and the relief sought. The Parties should endeavor to discharge their burden of proof in their first submissions and should not rely on later submissions to provide evidence for unsupported allegations made in the first submissions. The Parties' subsequent submissions shall be limited to responding to the previous written submission of the counterparty and addressing any relevant facts that are new or could not have been known prior to filing the Reply or Rejoinder.
- 15.4. The Parties agree that the first round of memorials (*i.e.*, Claimants' Memorial and Respondent's Counter-Memorial) be limited to 200 pages each and the second round of memorials (*i.e.*, Claimants' Reply and Respondent's Rejoinder) be limited to 150 pages each. However, the Tribunal strongly encourages the parties not to exceed 175 pages for the first round of memorials and 125 pages for the second round of memorials, respectively. For the avoidance of doubt, page limits do not apply to witness statements and expert reports.

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.

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15.5. Neither Party shall be permitted to submit additional pleadings with regard to the merits outside of the Procedural Timetable, 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 §17.3).

16. Production of documents

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

16.1. Within the time limit set in the Procedural Timetable, a Party may request from the other Party the production of documents or categories of documents within the other Party's possession, custody or control.

16.2. The procedure for the making of such requests, their resolution, and the production of documents will be addressed in a subsequent procedural order.

17. Submission of documents

Convention Article 44; Arbitration Rule 5

17.1. The Memorial and Counter-Memorial shall be accompanied by the documentary evidence relied upon by the Parties, including exhibits and legal authorities. Further documentary evidence relied upon by the Parties in rebuttal shall be submitted with the Reply and Rejoinder.

17.2. The documents shall be submitted in the manner and form set forth in §14, above.

17.3. Following each factual allegation made in a submission or pleading, the Parties shall make specific reference to the evidence that supports that allegation. If an exhibit consists of more than one page, the Parties shall refer to the specific page and/or paragraph number upon which they rely.

17.4. All documents and other evidence should be referenced in the Parties' respective submissions. The Parties should refrain from marshalling evidence without a specific reference in the submission with which the evidence is tendered.

17.5. Neither Party shall be permitted to submit additional, responsive documents or other evidence outside of the submissions agreed to in the Procedural Timetable attached as Annex A, unless the Tribunal determines that special circumstances exist based on a timely and reasoned written application followed by observations from the other Party.

17.5.1. Should a Party request leave to file additional or responsive evidence, that Party may not annex the evidence that it seeks to file to its request.

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- 17.5.2. If the Tribunal grants such an application for submission of [aa] additional or responsive evidence, the Tribunal shall ensure that the other Party is afforded sufficient opportunity to make its observations concerning such evidence.
- 17.6. The Tribunal may call upon the Parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 36(3).
- 17.7. Evidence shall be submitted in the following form:
- 17.7.1. Each document marshalled shall have an individual exhibit number. In principle, the Parties should not tender multiple documents under one exhibit number. However, a party may produce several documents relating to the same subject-matter within one exhibit, numbering each page of such exhibit separately and consecutively.
- 17.7.2. The number of each exhibit containing a document produced by Claimant shall be preceded by the letter “C-” for factual exhibits and “CLA-” for legal exhibits containing authorities etc. The number of each exhibit containing a document produced by Respondent shall be preceded by the letter “R-” for factual exhibits and “RLA-” for legal exhibits containing authorities etc.
- 17.7.3. Exhibits and legal authorities shall be submitted in a searchable electronic PDF format, whenever possible, and shall be numbered consecutively throughout these proceedings, commencing with “C-0001” and “R-0001,” and “CLA-001” and “RLA-001” respectively. 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 §17.7.4.
- 17.7.4. Electronic files and the accompanying indexes shall follow the naming conventions contained in **Annex B**.
- 17.8. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a Party, in which case the Tribunal shall determine whether authentication is necessary.
- 17.9. The Parties shall file all documents only once by submitting them with their pleadings. Documents need not be resubmitted with witness statements and expert reports even if referred to in such statements or reports. Similarly, documents marshalled by one Party do not need to be resubmitted by the counterparty, except to the extent necessary to correct any omission.
- 17.10. The Parties may use at any hearing PowerPoint slides, outlines and demonstrative exhibits (such as charts, tabulations, etc., compiling information which is on record but

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not presented in such form), provided that they (i) identify the source in the record from which the information is derived and (ii) do not contain information not in the record.

17.10.1. An electronic copy of each demonstrative exhibit, each outline and each PowerPoint slide deck, 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, the Assistant, the court reporter and the interpreters, as necessary, at a time to be decided at the pre-hearing organizational meeting.

17.10.2. 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.

18. Witness statements and expert reports

Convention Article 43(a); Arbitration Rule 38

18.1. Witness statements and expert reports shall be filed together with the Parties' pleadings.

18.2. Neither Party shall be permitted to submit any testimony that has not been filed with the written submissions, unless the Tribunal determines that special circumstances exist based on a reasoned written request followed by observations from the other Party (following the procedure outlined in §17.5).

18.3. Each witness statement shall be signed and dated by the witness and include:

18.3.1. A disclosure statement detailing any past and present relations of the witness with any Party, counsel or Member of the Tribunal;

18.3.2. A description of the witness' position and qualifications, if relevant;

18.3.3. A full and detailed description of the facts, and the source of the witness' information as to those facts, sufficient to serve as that witness' evidence in the matter in dispute;

18.3.4. Any documents on which the witness relies that have not already been submitted (which shall be submitted with sequential numbering as documents);

18.3.5. A statement as to the language in which the witness statement was originally prepared and the language in which the witness anticipates giving testimony at the hearing; and

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- 18.3.6. An affirmation of the truth of the witness statement.
- 18.4. Witness statements shall be submitted in a searchable electronic file format and have consecutive numbering on pages, headings and paragraphs.
- 18.5. It shall not be improper for a Party, its officers, employees, legal advisors or other representatives to interview its witnesses or potential witnesses and to discuss their prospective testimony with them.
- 18.6. Expert reports shall be dated and signed by the expert or experts and contain:
 - 18.6.1. The full name of the expert;
 - 18.6.2. A disclosure statement detailing any past and present relations of the expert with any Party, counsel or Member of the Tribunal;
 - 18.6.3. A brief description of the expert's qualifications;
 - 18.6.4. A brief description of the instructions pursuant to which they are providing their opinions and conclusions;
 - 18.6.5. A statement of their independence from the Parties, their legal advisors and the Tribunal;
 - 18.6.6. A statement of the facts on which they are basing their expert opinions and conclusions;
 - 18.6.7. Their expert opinions and conclusions, including a description of the methods, evidence and information used in arriving at the conclusions;
 - 18.6.8. The documents relied on by the expert in the preparation of their report, which shall be provided as exhibits to the report (which may have their own sequential numbering); any spreadsheet or table shall be editable and all formulae visible; data used in the creation of spreadsheets and tables should indicate its source;
 - 18.6.9. An affirmation of their genuine belief in the opinions expressed in the report.
- 18.7. Expert reports shall be submitted as electronic files in a searchable and PDF editable file format and have consecutive numbering of pages, headings and paragraphs, as well as a detailed table of contents.

19. Examination of witnesses and experts

Arbitration Rule 38

- 19.1. A Party may require the opposing Party to produce for cross-examination any factual or expert witness whose written testimony that opposing Party has filed with its pleadings.
- 19.2. On the date specified in the Procedural Timetable, each Party shall inform the opposing Party which witnesses and experts it intends to call for cross-examination. Shortly after receiving these notifications, the Tribunal shall indicate if it wishes to question any witnesses or experts not called by the Parties.
- 19.3. The Tribunal may disregard the testimony of any witness or expert who, without justified reasons, fails to appear at the hearing. At its discretion and for good cause, the Tribunal may allow examination by video conference.
- 19.4. A witness or expert shall be examined before the Tribunal by the Parties and under the control of the President. Any member of the Tribunal may put questions to the witness or expert. The scope of examination is as follows:
 - 19.4.1. Direct examination is presented primarily through the written witness statements and expert reports; however, the Party presenting the witness may conduct a brief direct examination at the hearing, and experts may summarize their reports and findings, either through direct examination or a brief presentation;
 - 19.4.2. As a general rule, cross-examination is limited to the contents of the witness statement or expert report;
 - 19.4.3. As a general rule, re-direct examination is limited to matters addressed during cross-examination;
 - 19.4.4. At the request of any Party and for good cause, the Tribunal may expand the scope of the cross-examination or the re-direct examination.

20. Application of guidelines

- 20.1. Without prejudice to applicable provisions of the ICSID Arbitration Rules, the Tribunal may take into consideration the International Bar Association Guidelines on Conflicts of Interests (2024), the International Bar Association Rules for the Taking of Evidence in International Arbitration (2020) and the International Bar Association Guidelines on Party Representation in International Arbitration (2013).

21. Pre-hearing organizational meetings

Arbitration Rule 31

- 21.1. A pre-hearing organizational meeting shall be held on a date determined by the Tribunal after consultation with the Parties. 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.
- 21.2. On 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.
- 21.3. Following the pre-hearing organizational meeting, a Procedural Order shall be issued by the Tribunal reflecting the decisions made in preparation for the hearing.

22. Case management conferences

Arbitration Rule 31

- 22.1. If necessary, the Tribunal shall convene case management conferences with the Parties in accordance with ICSID Arbitration Rule 31 in order to (i) put in place a process to identify uncontested facts (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). It is expected that a case management conference shall be held, if necessary, after the first round of written submissions.

23. Preparation for the hearing

- 23.1. The two weeks prior to the hearing shall be considered preparation time for the Parties and the Tribunal. Therefore, during that period, no procedural application (except for force majeure events, purely organizational matters related to the hearing or exceptional circumstances shall be admitted and instead shall be considered postponed. A Party may present such an application at the beginning of the hearing and the Tribunal shall adopt the appropriate decision after hearing the other Party.

24. Hearings

Arbitration Rule 32

- 24.1. The oral procedure (or procedures) shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.
- 24.2. The hearing may be held in-person or by any other means of communication as determined by the Tribunal after consultation with the Parties. An in-person hearing shall be held at a place to be determined in accordance with §11 above.
- 24.3. Having due regard to the views of the Parties and the specific circumstances of the case, including any relevant travel or public health/security restrictions, the Tribunal may decide to hold a hearing remotely or in a hybrid form.
- 24.4. The hearing shall take place on the dates shown in the Procedural Timetable set forth in Annex A, which shall not be before four weeks after the filing of the last written submission.
- 24.5. The Members of the Tribunal shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 24.6. The allocation of time for the oral procedures will be discussed by the Parties closer to the hearing date. The Tribunal will rule on any disagreement at the relevant time.]
- 24.7. At a date to be determined by the Tribunal, and in any event no later than two weeks prior to the hearing, the Parties shall submit to the Tribunal jointly – or, where they are unable to agree, separately:
 - 24.7.1. A chronology of relevant facts in tabular form;
 - 24.7.2. A list and brief description of the individuals and entities who/which are part of the relevant factual background (“*dramatis personae*”); and
 - 24.7.3. A list of the substantive issues required to be determined by the Tribunal.

25. Recordings of hearings and sessions

Arbitration Rule 29(4)(i)

- 25.1. Recordings shall be made of all hearings and sessions. The recordings shall be provided to the Parties and the Tribunal Members.
- 25.2. 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

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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.

25.3. The Parties shall agree on any corrections to the transcripts within 14 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 Tribunal shall decide upon any disagreement between the Parties and any correction adopted by the Tribunal shall be entered by the court reporter in the Revised Transcripts.

26. Post-hearing memorials and statements of costs

Convention Article 44; Arbitration Rules 51

26.1. The Tribunal shall consult with the Parties at the appropriate stage, and issue directions in relation to whether, and if so by which dates, the Parties shall submit post-hearing memorials and a statement of costs.

27. Transparency matters

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

27.1. The Parties agree that the transparency and confidentiality regime governing these proceedings is dealt with in Procedural Order No. 2.

28. Data privacy and cybersecurity

28.1. 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”**].

28.2. 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.

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28.3. 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.

29. Amicable dispute settlement

29.1. 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.

30. Artificial intelligence tools

30.1. 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.

30.2. Each Party and the Tribunal shall ensure that the AI tools that it uses provide adequate guarantees of cybersecurity and confidentiality.

30.3. 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 independent evaluation.

30.4. All determinations of fact, law, procedure and discretion shall remain exclusively the responsibility of the Tribunal.

31. Third party funding
Arbitration Rule 14

31.1. The Parties understand that they are under an obligation, pursuant to Arbitration Rule 14, to file written notice disclosing the name and address of any non-party from which the party, directly or indirectly, has received funds for the pursuit or defense of the proceeding through a donation or grant, or in return for remuneration dependent on the outcome of the proceeding (“third-party funding”), immediately upon concluding a third-party funding arrangement. Upon any such disclosure, the Tribunal may consider any possible implications for the maintenance of the impartiality of the Tribunal.

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31.2. Each Party bears the ongoing duty to disclose any change to the information provided pursuant to Arbitration Rule 14 and §31.1 above.

On behalf of the Tribunal,

[signed]

Prof. Juan Fernández-Armesto
President of the Tribunal
Date: 27 January 2026

Annex A – Procedural Timetable

	Procedural step	Responsible Entity	Interval ⁴	Date ⁵
<i>Scenario 1: No request for bifurcation</i>				
1.	Memorial	Claimants	150 days from the First Session	15 June 2026
2.	Counter-Memorial	Respondent	150 days	12 November 2026
3.	Case Management Conference, if necessary	Claimants, Respondent, and Tribunal	Within 15 days	TBD
4.	Exchange of document production schedules (“DPS”)	Claimants and Respondent	21 days from step #2	3 December 2026
5.	Exchange of DPS Objections and delivery of non-contested documents	Claimants and Respondent	19 days	22 December 2026
6.	Exchange of DPS Response to Objections and submission of DPS to the Tribunal	Claimants and Respondent	17 days	8 January 2027
7.	Decision on DPS	Tribunal	21 days	29 January 2027
8.	Production of contested documents	Claimants and Respondent	30 days	1 March 2027
9.	Reply	Claimants	45 days	15 April 2027
10.	Rejoinder	Respondent	100 days	26 July 2027

⁴ Intervals run from the previous step unless otherwise indicated.

⁵ Under Rule 9.3 of the ICSID Arbitration Rules, if a time limit elapses on a Saturday or Sunday, the deadline is extended to the next business day. The Procedural Timetable takes into account Rule 9.3 and moves to the next business day any time limit that would elapse on a Saturday or Sunday.

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11.	Notification of witnesses and experts to be cross-examined at the hearing	Claimants and Respondent	7 days before the pre-hearing organizational meeting	TBD
12.	Notification of witnesses and experts not called by the Parties	Tribunal	3 days before the pre-hearing organizational meeting	TBD
13.	Pre-hearing organizational meeting	Claimants, Respondent, and Tribunal	TBD	TBD
14.	Parties, jointly or separately, to provide <i>dramatis personae</i> , list of issues and chronology	Claimants and Respondent	Not later than 2 weeks prior to the hearing	TBD
15.	Hearing on jurisdiction and merits	Claimants, Respondent, and Tribunal	Not earlier than four weeks after the filing of the last written submission	25 to 30 October and 1 to 3 November 2027 <i>(exact duration of the hearing to be revisited by the Tribunal and parties after the first round of pleadings)</i>

Scenario 2: Request for bifurcation is granted

1.	Memorial	Claimants	150 days from the First Session	15 June 2026
2.	Request for Bifurcation	Respondent	45 days	30 July 2026
3.	Observations on the Request for Bifurcation	Claimants	45 days	14 September 2026
4.	Decision on the Request for Bifurcation	Tribunal	30 days	14 October 2026
5.	Memorial on Jurisdiction	Respondent	30 days	13 November 2026
6.	Counter-Memorial on Jurisdiction	Claimants	60 days	12 January 2027
7.	Notification of witnesses and experts to be cross-examined at the hearing	Claimants and Respondent	7 days before the pre-hearing organizational meeting	TBD

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8.	Notification of witnesses and experts not called by the Parties	Tribunal	3 days before the pre-hearing organizational meeting	TBD
9.	Pre-hearing organizational meeting	Claimants, Respondent, and Tribunal	TBD	TBD
10.	Parties, jointly or separately, to provide <i>dramatis personae</i> , list of issues and chronology	Claimants and Respondent	Not later than 2 weeks prior to the Hearing	TBD
11.	Hearing	Claimants, Respondent, and Tribunal	Not earlier than four weeks after the filing of the last written submission	22 and 23 March 2027
12.	Depending on the results of the bifurcated phase, the Parties and the Tribunal will consult as to the next procedural steps promptly following the Tribunal's decision.			
<i>Scenario 3: Request for bifurcation is denied</i>				
1.	Memorial	Claimants	150 days from the First Session	15 June 2026
2.	Request for Bifurcation	Respondent	45 days	30 July 2026
3.	Observations on the Request for Bifurcation	Claimants	45 days	14 September 2026
4.	Decision on the Request for Bifurcation	Tribunal	30 days	14 October 2026
5.	Counter-Memorial on the Merits and Memorial on Jurisdiction	Respondent	105 days	27 January 2027
6.	Case Management Conference, if necessary	Claimants, Respondent, and Tribunal	Within 15 days	TBD
7.	Exchange of document production schedules (“DPS”)	Claimants and Respondent	21 days from step #5	17 February 2027
8.	Exchange of DPS Objections and delivery of non-contested documents	Claimants and Respondent	21 days	10 March 2027

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9.	Exchange of DPS Response to Objections and submission of DPS to the Tribunal	Claimants and Respondent	15 days	25 March 2027
10.	Decision on DPS	Tribunal	21 days	15 April 2027
11.	Production of contested documents	Claimants and Respondent	30 days	17 May 2027
12.	Reply on the Merits and Counter-Memorial on Jurisdiction	Claimants	45 days	1 July 2027
13.	Rejoinder on the Merits and Reply on Jurisdiction	Respondent	90 days	29 September 2027
14.	Notification of witnesses and experts to be cross-examined at the hearing	Claimants and Respondent	7 days before the pre-hearing organizational meeting	TBD
15.	Notification of witnesses and experts not called by the Parties	Tribunal	3 days before the pre-hearing organizational meeting	TBD
16.	Pre-hearing organizational meeting	Claimants, Respondent, and Tribunal	TBD	
17.	Parties, jointly or separately, to provide <i>dramatis personae</i> , list of issues and chronology	Claimants and Respondent	Not later than 2 weeks prior to the Hearing	TBD
18.	Hearing	Claimants, Respondent, and Tribunal	Not earlier than four weeks after the filing of the last written submission	25 to 30 October and 1 to 3 November 2027 <i>(exact duration of the hearing to be revisited by the Tribunal and parties after the first round of pleadings)</i>

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. SPA=Spanish; FR=French; ENG= English). Such indication should be reflected 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-ENG</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction-ENG</i>
	<i>Reply on Annulment-ENG</i>
	<i>Rejoinder on Quantum-ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-####
	R-####
	To be produced sequentially throughout the case.
	CLAIMANT’S FACTUAL EXHIBITS
	Description of the document (ENG), <i>C-0001</i>
	Description of the document (FRA), <i>C-0002</i>
	RESPONDENT’S FACTUAL EXHIBITS
	Description of the document (ENG), <i>R-0001</i>
	Description of the document (FRA), <i>R-0002</i>
Legal Authorities	CLA-####]
	RLA-####
	To be produced sequentially throughout the case.
	CLAIMANT’S LEGAL AUTHORITIES
	Description of the document (ENG), <i>CLA-0001</i>
	Description of the document (FR), <i>CLA-0002</i>
	RESPONDENT’S LEGAL AUTHORITIES
	Description of the document (ENG), <i>RLA-0001</i>
	Description of the document (SPA), <i>RLA-0002</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>

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Procedural Order No. 1 – Annex B

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)-ENG</i>
	<i>Request for Bifurcation-ENG</i>
	<i>Request for Provisional Measures-[Respondent]-ENG</i>
	<i>Request for Production of Documents-[Claimant]-ENG</i>
	<i>Request for Stay of Enforcement-ENG</i>
	<i>Request for Discontinuance-[Claimant]-ENG</i>
	<i>Post-Hearing Brief-[Claimant]-ENG</i>
	<i>Costs Submissions-[Respondent]-ENG</i>
<i>Observations to Request for [XX]-[Claimant]-ENG</i>	