

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Glencore International A.G.

v.

Republic of Colombia

(ICSID Case No. ARB/21/30)

**PROCEDURAL ORDER No. 9
POST-HEARING MATTERS**

Members of the Tribunal

Ms. Sabina Sacco, President of the Tribunal

Prof. Bernard Hanotiau, Arbitrator

Prof. Donald M. McRae, Arbitrator

Secretary of the Tribunal

Ms. Alicia Martín Blanco

Assistant to the Tribunal

Mr. Rahul Donde

26 January 2026

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Procedural Order No. 9

I. SCOPE OF THIS ORDER

1. This Procedural Order No. 9 (“PO9”) addresses certain post-hearing matters discussed with the Parties at the conclusion of the hearing in this arbitration.

II. PROCEDURAL BACKGROUND

2. The hearing in this arbitration took place in Washington D.C. from 10 to 17 November 2025 (the “Hearing”). At the conclusion of the Hearing, the Tribunal addressed several post-hearing matters with the Parties, including transcript corrections, post-hearing briefs, supplemental expert evidence, and cost statements. The Parties were invited to liaise and agree on these matters.
3. On 17 December 2025, the Parties advised the Tribunal that they had reached an agreement on the steps for transcript corrections and on the content, number, sequence and timing of the Post-Hearing Briefs.
4. On 23 December 2025, the Parties advised the Tribunal that they had agreed on all corrections to the transcript.
5. This Order therefore sets out the Parties’ agreement on the post-hearing briefs, supplementing it where necessary, as well as directions in respect of supplemental expert evidence and cost statements.

III. POST-HEARING BRIEFS

6. The Parties shall simultaneously file their Post-Hearing Briefs on **Thursday, 30 April 2026**.
7. The Post-Hearing Briefs shall:
 - a. Be limited to matters of fact and law presented in the Parties’ submissions and at the Hearing and may not contain new allegations of fact or new legal arguments; and
 - b. Include the final and updated version of the Parties’ respective requests for relief.¹
8. The Parties may also address the following questions made by the Tribunal during the Hearing:

“Question 1:

[REDACTED]

¹ PO 1, ¶ 15.4; PO 7, ¶ 83.

[REDACTED]

Question 2:

[REDACTED]

Question 3:

[REDACTED]

[REDACTED]

[REDACTED]

9. As indicated by the President on Day 5 of the Hearing, the Parties may address any new arguments raised during the Hearing, including to object to their admissibility. If a Party raises an admissibility objection in the Post-Hearing Brief, the other Party shall have the opportunity to respond to that objection in a subsequent submission, to be filed within fifteen calendar days. This shall be followed by a reply from the Party who raised the objection and a rejoinder from the other Party, each to be filed one week after the previous submission, respectively. Before filing the reply and rejoinder, the Parties shall confer and attempt to agree on the applicable word limit for those submissions. If the Parties are unable to reach an agreement, the Tribunal shall determine the word limit.
10. The Parties' Post-Hearing Briefs may only reference documents and legal authorities that form part of the record of the case, subject to paragraphs 11 and 12 below.
11. No new evidence shall be submitted with the Post-Hearing Briefs, unless a Party has sought and obtained leave to submit new evidence in accordance with Section 17.3 of Procedural Order No. 1. As set out in that section, the Party requesting to submit new evidence shall refrain from submitting such new evidence until the Tribunal has authorized its submission. If the request is granted, the Tribunal shall allow the other Party to comment on the new evidence and may also allow it to file responsive evidence. Any requests for the submission of new evidence must be made by **13 February 2026**, absent a compelling reason for the admission of a later request due to new facts that have arisen following that date.

12. Any requests by the Parties for leave to introduce additional legal authorities into the record shall be made by **27 February 2026**. Such requests will state the reason for seeking to introduce the new legal authority. A Party may submit its observations to the other Party's request for leave to introduce new legal authorities within 10 (US) business days.
13. The Post-Hearing Briefs shall not contain quotes from factual exhibits or legal authorities in footnote format. Rather, quotes should be included in the body of the text.
14. The Parties may include hyperlinks to the factual exhibits and legal authorities on the record that are referenced in their Post-Hearing Briefs.
15. On the filing date set out above, the Parties shall submit electronic versions of the Post-Hearing Briefs by email to the Tribunal Secretary only, who shall send them to the opposing Party and the Tribunal upon receipt of both Post-Hearing Briefs.
16. Within four business days of the email submission referred to in the previous Section, the Parties shall: (a) upload their Post-Hearing Briefs to the Box folder created by ICSID for the purposes of this case; and (b) send by courier service a hard copy of their Post-Hearing Briefs in A4 or US letter size to the President and Prof. Hanotiau. Claimant shall also upload an updated Electronic Hearing Bundle with a consolidated and hyperlinked index,² and send a USB containing it by courier service.

IV. SUPPLEMENTAL EXPERT EVIDENCE

17. At an appropriate stage after the Post-Hearing Briefs are filed, the Tribunal will determine whether it will request supplemental expert evidence from the Colombian Legal Experts (Mr. Guillermo Sánchez Luque, the Claimant's legal expert and Ms. Catalina Botero, the Respondent's legal expert), as envisaged in Procedural Order No. 7 ("PO7").³ The Tribunal will also determine whether it will require the mining experts and/or the quantum experts to confer and prepare a joint statement or report as foreseen in Procedural Order No. 1 ("PO1")⁴ and PO 7.⁵

V. COST STATEMENTS

18. The Tribunal will give directions for the Parties to file their respective cost statements after the closure of the proceeding.⁶

² The Electronic Hearing Bundle should be updated to include the demonstrative exhibits used during the Hearing, the corrected Hearing transcripts; the Post-Hearing Briefs and any new exhibits that have been introduced to the record.

³ PO7, ¶ 84(c); Tr. (Day 6) 1535:3-6.

⁴ PO1, ¶ 21.8 and footnote 9.

⁵ PO7, ¶85.

⁶ PO1, ¶ 26.1; PO 7, ¶ 86.

VI. PROCEDURAL CALENDAR

19. The revised procedural calendar reflecting the time limits mentioned above is at attached Annex A.

On behalf of the Tribunal,

[Signed]

Sabina Sacco
President of the Tribunal
Date: 26 January 2026