

PCA Case No. 2012-7

**IN THE MATTER OF AN ARBITRATION UNDER THE AGREEMENTS BETWEEN THE
GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE
ARAB REPUBLIC OF EGYPT ON THE PROMOTION AND PROTECTION OF
INVESTMENTS RESPECTIVELY DATED 5 MAY 1980 AND 3 MARCH 2004
AND THE UNCITRAL ARBITRATION RULES 1976**

- between -

MOHAMED ABDEL RAOUF BAHGAT

(“Claimant”)

and

THE ARAB REPUBLIC OF EGYPT

(“Respondent”, and together with Claimant, the “Parties”)

**PROCEDURAL ORDER NO. 3
(SUSPENSION OF THE PROCEEDINGS)**

25 September 2013

Tribunal

Professor Rüdiger Wolfrum (Presiding Arbitrator)
Professor W. Michael Reisman
Professor Francisco Orrego Vicuña

Registry

Permanent Court of Arbitration

WHEREAS on 19 September 2012 the Tribunal issued Procedural Order No. 1, Article 2.17 of which provides that a Hearing on Jurisdiction shall be held in the Peace Palace, The Hague, on 18 and 19 November 2013;

WHEREAS by letter dated 30 August 2013 the Claimant wrote to the PCA to note that on 23 April 2013 the Finnish Immigration Service had issued a decision in which it had decided that the Claimant had lost his Finnish nationality because he had obtained Egyptian nationality on 28 September 1997, that the Claimant had challenged this decision before the Administrative Court of Helsinki and that proceedings were pending before the Administrative Court, with no date set for a hearing on the matter;

WHEREAS in the same letter the Claimant also indicated that “[d]epending on the scheduling of the Administrative Court proceedings, the Claimant may request an amendment to the procedural schedule for the jurisdictional objections and that the Hearing on Jurisdiction be adjourned pending a decision of the Administrative Court”;

WHEREAS by letter dated 23 September 2013 the PCA informed the Parties that one of the Members of the Tribunal was no longer available to attend the Hearing on Jurisdiction on 18 and 19 November 2013 and asked the Parties to indicate whether 29 and 30 November 2013 would be acceptable to them as alternative dates for the Hearing on Jurisdiction;

WHEREAS by letter dated 24 September 2013 the Claimant wrote to the PCA to advise that the Parties had “agreed to propose to the Tribunal that it ... issue a further Order” with the content specified below;

WHEREAS by e-mail dated 24 September 2013 the Respondent wrote to the PCA, referring to the Claimant’s letter of the same day and confirming “Respondent’s agreement with its content”;

NOW, THEREFORE, THE TRIBUNAL DECIDES AND ORDERS AS FOLLOWS:

1. The Hearing on Jurisdiction now scheduled to take place on 18 and 19 November 2013 is postponed until further order to be made by the Tribunal upon receipt of communication from the Claimant in paragraph 2 below and in consultation with the Parties.

2. The Claimant shall inform the Tribunal of the final outcome and/or resolution of the Claimant's challenge made in the Finnish Administrative Courts against the Finnish Immigration Service's decision dated 23 April 2013 and file a copy of any decision made by the Finnish Administrative Courts finally disposing of issues raised in the aforesaid challenge by e-mail sent to the Tribunal and the Respondent within seven days of the receipt of such decision by the Claimant.
3. The Claimant may file a Supplementary Counter-Memorial on Jurisdiction limited to covering issues that may arise from any final decision made by the Finnish Administrative Courts within four weeks from the date on which the Claimant has advised the Tribunal of the final outcome under paragraph 2 above.
4. The Respondent shall file its Reply Memorial on Jurisdiction but only in rebuttal to the Claimant's Counter-Memorial filed on 30 August 2013 and Supplementary Counter-Memorial on Jurisdiction within six weeks from the date of service of any Supplementary Counter-Memorial on Jurisdiction.
5. The Claimant shall file its Rejoinder on Jurisdiction only in rebuttal to the Respondent's Reply Memorial on Jurisdiction within five weeks from the date of service of the Reply Memorial on Jurisdiction.
6. The Parties shall be at liberty to apply to the Tribunal for a variation of this Procedural Order at any time.

So decided on 25 September 2013.

Place of Arbitration: The Hague, The Netherlands.

Signed on behalf of the Arbitral Tribunal



Professor Rüdiger Wolfrum
Presiding Arbitrator