

**Niko Resources (Bangladesh) Ltd.**  
v.  
**Bangladesh Petroleum Exploration & Production Company Limited (“Bapex”), and  
Bangladesh Oil Gas and Mineral Corporation (“Petrobangla”)**  
**(ICSID Case Nos. ARB/10/11 and ARB/10/18)**

Further to the Tribunal’s 19 September 2013 proposal regarding the procedural calendar for the further procedure in these two arbitrations, and the parties’ respective responses thereto dated 24 and 25 September 2013, respectively, subsequent correspondence concerning further details and hearing dates acceptable to all concerned, the procedural calendar for the further procedure in these arbitrations is now confirmed as follows:

**Procedural Order No. 3  
(PROCEDURAL CALENDAR)**

1. **Concerning the Payment Claim and the related Cooperation Claim (collectively referred to as the “Payment Claim”):**

1.1. The Tribunals recall that on Friday, 27 September 2013, Niko filed its **Memorial concerning the Payment Claim** pursuant to the Tribunals’ directions of 19 September 2013.

1.2. By **Thursday, 28 November 2013**: Petrobangla shall file a First Counter-Memorial (“**Petrobangla’s Counter-Memorial concerning the Payment Claim**”)

- i. specifying the amounts paid by Petrobangla and their allocation to the invoices,
- ii. explaining the reasons why the balance has not been paid and
- iii. presenting its position on the other subjects addressed in **Niko’s Memorial concerning the Payment Claim**, as filed on 27 September 2013, including the role of BAPEX
- iv. accompanied by all evidence on which Petrobangla relies for its defence against the Payment Claim, to the extent to which it has not been produced already by Niko.

1.3. BAPEX may on or before the same date file a counter-memorial presenting its position on its role, accompanied by all evidence on which it relies in defence against the Payment Claim, to the extent to which the evidence has not been produced by Petrobangla or Niko (“**Bapex’s Counter-Memorial concerning the Payment Claim**”).

- 1.4. By **Thursday, 30 January 2014**: Niko shall file a Second Memorial, in reply to the counter-memorial(s) presented by Petrobangla and BAPEX (the “**Niko’s Reply concerning the Payment Claim**”).
- 1.5. By **Thursday, 27 March 2014**: Petrobangla and BAPEX shall file their reply to the Claimant’s Second Memorial (the “**Respondents’ Rejoinder concerning the Payment Claim**”).
- 1.6. Given the parties’ and the Tribunals’ availability for a hearing as confirmed by the parties’ communications dated 8 and 9 October 2013, respectively, **a hearing on the Payment Claim and the related Cooperation Claim will be held at the IDRC in London starting on Monday, 28 April 2014**. The precise sitting days will be determined at a later date by the Tribunals in consultation with the parties; however, the parties are directed to reserve five full sitting days for this hearing, as will the Members of the Tribunals.
- 1.7. Prior to this hearing, a pre-hearing organizational meeting will be held on a date directed by the Tribunals in consultation with the parties. This meeting will address any then pending procedural issues and discuss matters in preparation of this hearing, and will be held either in-person or by telephone conference.
- 1.8. Any need for post-hearing submissions will be discussed with the parties during the pre-hearing organizational meeting or at the close of the April 2014 hearing.

2. **Concerning the Compensation Declaration:**

- 2.1. The Tribunals recall that on Friday, 27 September 2013, Niko filed its **Memorial concerning the Compensation Declaration** pursuant to the Tribunals’ directions of 19 September 2013.
- 2.2. By **Thursday, 30 January 2014**: BAPEX shall file a First Memorial addressing the scope of liability to which the Declaration may extend and the particulars of the claims concerning Niko’s alleged liability for the two blow-outs and damage allegedly caused by Niko, including its quantum. If BAPEX intends to rely on expert reports these reports must be included in the First Memorial. If BAPEX relies on the testimony of witnesses, it must include short written statements setting out the essential points of this testimony. Any documentary evidence on which Bapex intends to rely and which has not yet been produced, must accompany this memorial (“**Bapex’s Counter-Memorial concerning the Compensation Declaration**”).
- 2.3. By **Thursday, 29 May 2014**: Niko shall file a Memorial in response to the claims for liability set out in BAPEX’s First Memorial, including any expert report which Niko may wish to present and statements about the proposed witness testimony (“**Niko’s Reply concerning the Compensation Declaration**”).
- 2.4. By **Thursday, 25 September 2014**: BAPEX shall file a Second Memorial, responding to Bapex’s Rejoinder concerning the Compensation Declaration (“**Bapex’s Rejoinder concerning the Compensation Declaration**”).

- 2.5. A hearing shall be held as soon as possible after the filing of Bapex's Rejoinder concerning the Compensation Declaration, preceded by a procedural meeting (possibly in the form of a telephone conference). The scope and duration of such hearing will be addressed with the parties in February 2014, following the filing of Bapex's Counter-Memorial concerning the Compensation Declaration.
- 2.6. Any need for post-hearing submissions will be discussed with the parties during a pre-hearing organizational meeting or at the close of the hearing.

[ Signed ]

On behalf of the two Arbitral Tribunals  
Michael E. Schneider  
President

15 November 2013