

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

**Transglobal Green Energy, LLC and Transglobal Green Panama, S.A.**

**v.**

**Republic of Panama**

**(ICSID Case No. ARB/13/28)**

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**PROCEDURAL ORDER NO. 3**

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***Members of the Tribunal***

Dr. Andrés Rigo Sureda, President of the Tribunal  
Prof. Christoph Schreuer, Arbitrator  
Prof. Jan Paulsson, Arbitrator

***Secretary of the Tribunal***

Ms. Mercedes Cordido-Freytes de Kurowski

March 25, 2016

**Whereas,**

1. On March 16, 2016, Claimants requested the suspension of the proceeding ("Suspension Request").
2. On March 19, 2016, the Tribunal reminded Claimants that, regardless of the Tribunal's eventual decision on the Suspension Request and in accordance with the Tribunal's Procedural Order No. 2 of January 21, 2016, "Claimants have until Monday, March 21, 2016 (60 days as of the date of Procedural Order No. 2) to file their Counter-Memorial on Jurisdiction to the extent Claimants wish to supplement their submissions on jurisdiction already in the record of the proceeding."
3. On March 21, 2016, Claimants re-affirmed their request for suspension.
4. Claimants failed to file their Counter-Memorial on Jurisdiction on March 21, 2016.
5. On March 23, 2016, Respondent commented on the Suspension Request and on the Claimants' letter of March 21, 2013.
6. Respondent requested that the Tribunal:
  - a. deny the Suspension Request,
  - b. declare the briefing on the Respondent's jurisdictional challenge closed,
  - c. propose dates for a conference call with the Tribunal, the Parties and their counsel to discuss potential dates for a hearing on jurisdiction, and the Tribunal's expectations for such a hearing, and
  - d. order Claimants to reimburse Panama for the costs associated with Respondent's response to the Suspension Request.
7. This is the second time that Claimants have requested that the Tribunal suspend the proceeding.
8. The Tribunal recalls that in the letter of May 18, 2015 to the Parties in respect of the first suspension request, the Tribunal explained that "[n]o provision of the ICSID Convention or ICSID Arbitration Rules allows for the unilateral suspension of arbitral proceedings."
9. The Tribunal further recalls that in Procedural Order No. 1 the Tribunal decided that it would decide whether another round of submissions on jurisdiction would be warranted after it has had the opportunity to review Claimants' Counter-Memorial on Jurisdiction, and none has been filed.

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10. According to Arbitration Rule 29 if the parties do not agree otherwise, the normal procedure shall consist of a written phase followed by an oral phase.

For the above reasons, the **Tribunal has decided**:

- a. To deny the Suspension Request.
- b. That the Tribunal is ready to decide the Respondent's objections to its jurisdiction on the basis of the current written record.
- c. To invite the Parties to inform the Tribunal by no later than **April 4, 2016** whether they agree to limit the proceeding on jurisdiction to the written phase.
- d. If the Parties do not agree to limit the proceeding on jurisdiction to the written phase, to consult with the Parties on potential dates for the hearing on Respondents' objections.
- e. To reserve its position on the allocation of costs related to the Suspension Request.

On behalf of the Tribunal,

[signed]

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Dr. Andrés Rigo Sureda  
President of the Tribunal  
Date: March 25, 2016