

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT
DISPUTES**

Gabriel Resources Ltd. and Gabriel Resources (Jersey) Ltd.

v.

Romania

(ICSID Case No. ARB/15/31)

PROCEDURAL ORDER NO. 4

Members of the Tribunal

Ms. Teresa Cheng SC, President of the Tribunal
Prof. Horacio A. Grigera Naón, Arbitrator
Prof. Zachary Douglas QC, Arbitrator

Secretary of the Tribunal

Ms. Sara Marzal Yetano

January 10, 2017

Introduction

1. The Tribunal refers to:
 - Claimants' letter of November 23, 2016 requesting the Tribunal to fix the procedural calendar and proposing certain adjustment to the timetable included as Annex A of Procedural Order No. 1 ("Claimants' Procedural Calendar Proposal");
 - Respondent's letter of November 28, 2016 objecting to Claimants' Procedural Calendar Proposal and submitting two alternative procedural calendars ("Respondent's Procedural Calendar Option 1" and "Respondent's Procedural Calendar Option 2").
 - Claimants' letter of December 5, 2016 submitting observations to Respondent's letter of November 28, 2016 and requesting an opportunity to respond to Respondent's December 12, 2016 letter; and
 - Respondent's letter of December 12, 2016 submitting observations to Claimants' letter of December 5, 2016 and objecting to Claimants' request to be given an opportunity to respond to Respondent's December 12, 2016 letter.
2. Having reviewed and considered the Parties' arguments in the referred communications, has decided as follows:

Order

1. The Tribunal considers that it has been sufficiently briefed on this matter and therefore rejects Claimants's request to submit observations on Respondent's letter of December 12, 2016.
2. The Tribunal adopts Respondent's Procedural Calendar Option 1 as the Procedural Calendar of this case, which is attached to this Procedural Order as **Annex A**.
3. However, the Tribunal is mindful that delays in document production might impact upon Claimants' ability to prepare its Reply and would therefore be open to consider a prolongation of the Reply's deadline should the Claimants request it and the circumstances so require.

On behalf of the Tribunal,

Ms. Teresa Cheng SC
President of the Tribunal
Date: January 10, 2017

Annex A – Procedural Calendar

Description	Party/Tribunal	Period of Time (from prior step)	Date	Paragraph in Procedural Order No. 1
First Session of the Arbitral Tribunal	All	August 12, 2016		-
Memorial	CLAIMANTS	7 months	June 30, 2017	§§13, 14, 16
Counter-Memorial	RESPONDENT	7.5 months	February 15, 2018	§§13, 14, 16
Requests for production of documents	CLAIMANTS AND RESPONDENT	1 month	March 15, 2018	§15
Production of non- objected documents and objections to produce	CLAIMANTS AND RESPONDENT	3 weeks	April 5, 2018	§15
Reply to objections to produce	CLAIMANTS AND RESPONDENT	2 weeks	April 19, 2018	§15
Decision on requests for production of documents	TRIBUNAL	3 weeks	May 10, 2018	§15
Production as ordered	CLAIMANTS AND RESPONDENT	1 month	June 10, 2018	§15
Reply	CLAIMANTS	5 months (from the date of production of non- objected documents)	September 5, 2018	§§13, 14, 16
Applications to File Non-Disputing Party Submissions	-	2 weeks	September 19, 2018	§24

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Description	Party/Tribunal	Period of Time (from prior step)	Date	Paragraph in Procedural Order No. 1
Comments on Non-Disputing Party Applications	CLAIMANTS AND RESPONDENT	2 weeks	October 3, 2018	§24
Decision on Non-Disputing Party Applications	TRIBUNAL	2 weeks	October 17, 2018	§24
Comments on Non-Disputing Party Submissions (if any are admitted by Tribunal)	CLAIMANTS AND RESPONDENT	4 weeks	November 14, 2018	§24
Rejoinder	RESPONDENT	5 months after Reply	February 19, 2019	§§13, 14, 16
Notification of witnesses and experts	CLAIMANTS AND RESPONDENT	6 weeks before Hearing	TBD	§18
Pre-Hearing Organizational Meeting	All	4 weeks before Hearing	TBD	§19
Hearing	All	-	September 9-20, 2019	§20
Post-Hearing Memorials	CLAIMANTS AND RESPONDENT	-	Need and Timing TBD	§22
Cost submissions	CLAIMANTS AND RESPONDENT	-	Need and Timing TBD	§22
Award / Decision	TRIBUNAL	-	TBD	§5, 23