

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Lighthouse Corporation Pty Ltd and Lighthouse Corporation Ltd, IBC

v.

Democratic Republic of Timor-Leste

(ICSID Case No. ARB/15/2)

PROCEDURAL ORDER NO. 6
POST-HEARING MATTERS

Members of the Tribunal

Professor Gabrielle Kaufmann-Kohler, President
Mr. Stephen Jagusch, Arbitrator
Professor Campbell McLachlan QC, Arbitrator

Secretary of the Tribunal

Ms. Lindsay Gastrell

Assistant to the Tribunal

Mr. Rahul Donde

7 March 2017

I. PROCEDURAL BACKGROUND

1. The hearing on the Respondent's preliminary objections took place as scheduled from 24 to 26 February 2017 at the Australian Disputes Centre in Sydney. At the end of the hearing, the Tribunal and the Parties discussed the further procedural steps, following which the Tribunal issues the present order.

II. CORRECTIONS TO THE TRANSCRIPT

2. The Parties shall confer and try to reach an agreement on any proposed corrections to the transcripts. Any proposed corrections to the transcripts shall be submitted by **17 March 2017**.

III. POST-HEARING BRIEFS

3. The Parties shall submit simultaneous post-hearing briefs (PHBs) by **18 April 2017**. To facilitate the simultaneous filing, each Party will submit its PHB only to the Tribunal Secretary, who will forward it to the Tribunal and the opposing Party at the latest by the following working day.
4. In their PHBs, the Parties are invited to comment on the evidence gathered during the Hearing, without repeating their earlier submissions. Without limiting in any manner the scope of the Parties' comments on the evidence, the Tribunal would be assisted by comments on (i) the Respondent's objection concerning requirement for "consent in writing" under Article 25(1) of the ICSID Convention; and (ii) the Respondent's objection concerning the definition of "investment" in Article 25(1) of the ICSID Convention, particularly the test to be applied if part of a transaction is found to be a trade or a sale and another part is found to be an investment.
5. The Parties shall not file no new evidence (including legal authorities) with the PHBs, subject to the Tribunal's prior leave.
6. If a Party deems it necessary to rebut specific matters contained in its opponent's PHB, it shall make an application to the Tribunal to this effect by no later than **25 April 2017**. The Tribunal will then issue appropriate directions in respect of the rebuttal PHBs (content, page-limit, time-limit etc.).

IV. COST SUBMISSIONS

7. By **9 May 2017** or within two weeks after submission of the rebuttal PHBs, if any, the Parties shall file their statement of costs. These statements shall contain a breakdown of costs, if possible, by fee earner, with respect to legal fees and an itemisation of other costs. No supporting documentation should be appended, and the Parties should not make submissions in support of their cost claims.

V. MISCELLANEOUS

8. The Tribunal reserves the possibility of requesting additional information from the Parties or their experts' in respect of specific issues.

Date: 7 March 2017

On behalf of the Tribunal

[signed]

Prof. Gabrielle Kaufmann-Kohler