

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Eco Oro Minerals Corp.

Claimant

v.

Republic of Colombia

Respondent

(ICSID Case No. ARB/16/41)

PROCEDURAL ORDER No. 4

Members of the Tribunal

Mrs. Juliet Blanch, President of the Tribunal
Professor Horacio A. Grigera Naón, Arbitrator
Professor Philippe Sands, Arbitrator

Secretary of the Tribunal

Mrs. Ana Constanza Conover Blancas

Assistant to the President of the Tribunal

Mr. João Vilhena Valério

10 October 2018

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I. PROCEDURAL BACKGROUND

1. By letter of 26 September 2018, Respondent filed a request for a 60-day extension of the deadline set out in Procedural Order No. 3 to submit its Counter-Memorial on the Merits and Memorial on Jurisdiction (the “Extension Request”).
2. By communication of 27 September 2018, the Tribunal invited Claimant to submit observations regarding the Extension Request. On 1 October 2018, Claimant submitted its observations regarding the Extension Request.
3. By communication of 2 October 2018, Respondent sought leave from the Tribunal to submit a brief response to Claimant’s letter of 1 October 2018. On the same date, the Tribunal granted Respondent’s request and invited Claimant to respond to Respondent’s submission no later than by 5 October 2018.
4. On 3 October 2018, Respondent submitted its observations regarding Claimant’s letter of 1 October 2018. Subsequently, on 5 October 2018, Claimant submitted its observations regarding Respondent’s letter of 3 October 2018.
5. On 8 October 2018, Respondent submitted an additional communication in connection with the Extension Request, to “bring to [the Tribunal’s] attention new material facts that occurred following [Respondent’s] letter of 3 October 2018.”

II. ORDER

6. The Tribunal has reviewed and considered Respondent’s Extension Request, which is mainly based on alleged delays in the preparation of its Counter-Memorial on the Merits and Memorial on Jurisdiction arising out of a government transition process known as *empalme*, as well as Claimant’s arguments by which it objects to the Extension Request.

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7. The Tribunal does not favor procedural delays and it disapproves of persistent revisions to the timetable of the proceeding, which was originally set out in Procedural Order No. 1 of 30 November 2017 and later revised in Procedural Order No. 3 of 29 August 2018.
8. Nevertheless, in view of the seeming impossibility of the Respondent to be able to complete its filing in under sixty days, the Tribunal decides to grant the Extension Request.
9. The granting of Respondent's Extension Request constitutes a final extension. In no circumstances will the Tribunal allow another extension for the filing of Respondent's Counter-Memorial on the Merits and Memorial on Jurisdiction.
10. Claimant will be allowed the same 60-day extension for the filing of its Reply on the Merits and Counter-Memorial on Jurisdiction, if so required.
11. In view of the above, Annex A to Procedural Order No. 1 is hereby amended as follows:

Annex A – Procedural Calendar

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[...]

SCENARIO 3

The following timetable shall apply in the event that objections to jurisdiction are made in response to the memorial on the merits, and there is a request for bifurcation which is refused.

Description	Party / Tribunal	Period of Time	Due Date
Counter-Memorial on the Merits and Memorial on Jurisdiction	Respondent	+60 days from 25 October 2018	24 December 2018
Cut-off date for submission of applications for leave to file a Non-Disputing Party submission	Non-Disputing Parties	+5 days from Counter-Memorial on Merits and Memorial on Jurisdiction	31 December 2018

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Description	Party / Tribunal	Period of Time	Due Date
Comments on the applications from Non-Disputing Parties seeking leave to file submissions	Parties	+21 days from applications from Non-Disputing Parties	21 January 2019
Requests for Production of Documents	Parties	+30 days from the Counter-Memorial on the Merits and Memorial on Jurisdiction	23 January 2019
Objections to Production Requests and Production of Uncontested Documents	Parties	+14 days from the Requests for Production of Documents	6 February 2019
Decision concerning applications from Non-Disputing Parties	Tribunal	+21 days from the Parties' Comments on the applications from Non-Disputing Parties seeking leave to file submissions	11 February 2019
Responses to Objections to Production Requests	Parties	+ 14 days from the Objections to Production Requests	20 February 2019
Ruling on Parties' Requests for Production of Documents	Tribunal	+ 14 days from Responses to Objections to Productions Requests	6 March 2019
Deadline to file Non-Disputing Party submission	Non-Disputing Parties	+30 days from the Tribunal's Decision concerning applications from Non-Disputing Parties	13 March 2019
Document Production in accordance with the Tribunal's Rulings	Parties	+ 21 days from the Ruling on Parties' Requests for Production of Documents	27 March 2019
Reply on the Merits and Counter-Memorial on Jurisdiction	Claimant	+ [140/200] days from the Counter-Memorial on the Merits and Memorial on Jurisdiction	If no extension is requested by Claimant under paragraph 10 <i>supra</i> (" Option A "): 13 May 2019 If Claimant requests an extension under paragraph 10 <i>supra</i> (" Option B "): 12 July 2019

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Description	Party / Tribunal	Period of Time	Due Date
Rejoinder on the Merits and Reply on Jurisdiction	Respondent	+140 days from the Reply on the Merits and Counter-Memorial on Jurisdiction	Option A: 30 September 2019 Option B: 29 November 2019
Rejoinder on Jurisdiction	Claimant	+60 days from Rejoinder on the Merits and Reply on Jurisdiction	Option A: 29 November 2019 Option B: 28 January 2020
Witness notification	Claimant & Respondent	45 days before the Hearing	Option A: 6 December 2019 Option B: To be determined by the Tribunal, in consultation with the Parties (“ TBD ”)
Pre-Hearing Organizational Meeting	All	30 days before the Hearing	Option A: 20 December 2019 Option B: TBD
Hearing	All	within 60 to 120 days from Rejoinder on Jurisdiction	Option A: in the period between 20-31 January 2020 Option B: TBD

On behalf of the Tribunal,

[Signed]

Mrs. Juliet Blanch
President of the Tribunal
Date: 10 October 2018