

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Lao Holdings N.V.
v.
The Lao People's Democratic Republic
(ICSID Case No. ARB(AF)/12/6)

PROCEDURAL ORDER NO. 6

The Honourable Ian Binnie, C.C., Q.C., President
Professor Brigitte Stern, Arbitrator
Professor Bernard Hanotiau, Arbitrator

Secretary of the Tribunal
Anneliese Fleckenstein

Date: 5 February 2015

INTRODUCTION

1. On 19 December 2014, the Tribunal issued an Interim Ruling on Issues Arising under the Deed of Settlement upholding jurisdiction to deal with Claimant's Application on the alleged breach by the Respondent of the Settlement Agreement of 15 June 2014.
2. On 19 January 2015 the Claimant submitted a Request for Provisional Measures requesting that the Tribunal enjoin "Respondent from: iv. taking control of, or taking any steps towards the sale of, Claimants' rights and assets; v. applying the Revised New Tax Law to Savan Vegas or to any of Claimant's other investments; and vi. taking any steps that would alter the *status quo* or otherwise aggravate the dispute." On 28 January 2015 the Respondent submitted its Response to Claimant's Request for Provisional Measures.
3. On 27 January 2015, the Respondent submitted its Request for the Lao Holdings' Tribunal's Reconsideration of the 19 December 2014 Interim Ruling. On 29 January 2015, the Claimant submitted its Response to Lao's Motion for Reconsideration. On 2 February 2015, the Respondent submitted its Reply to Lao's Motion for Reconsideration.

THE TRIBUNAL'S DECISION

4. Having carefully considered the application of the Respondent Government of Laos for reconsideration of the Tribunal's ruling of 19 December 2014, and the subsequent submissions of the Claimant and the Respondent regarding the proper interpretation of Article 6 of the Settlement Agreement and related issues, the Tribunal concludes that no compelling reason has been shown to reverse or otherwise modify its 19 December 2014 ruling. The relevant language of Article 6 is ambiguous. The Tribunal

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therefore reaffirms the ruling and the reasons in support of the ruling without modification.

5. With respect to the Claimant's application for Provisional Measures, the Claimant is to deliver its response, if any, on or before Wednesday 18 February, and the Respondent its Rejoinder, if any, on or before Wednesday Monday 2 March 2015. The application will be heard on the merits by teleconference on a date to be fixed during the week commencing Monday 9 March 2015. The Secretary to the Tribunal will canvass the parties to determine a mutually convenient date and time for the teleconference.

6. With respect to hearing of the Claimant's Application for Reinstatement of the ICSID arbitration pursuant to Article 32 of the Settlement, the Tribunal understands that the Claimant has already delivered its request for the production of documents. The Respondent Government is to deliver its documentary disclosure request on or before Monday 16 February. Documentary production of both parties is to occur on or before Monday 2 March. If there is a dispute about the production of documents which the parties are unable or unwilling to resolve the Tribunal will hear and determine the remaining disclosure issues and any other outstanding interlocutory matters during the aforesaid teleconference the week of March 9, 2015.

7. With respect to the hearing scheduled for Singapore 13 and 14 April 2015, the Claimant is to file its written submissions, witness statements and documents to be relied upon on or before Friday 27 March 2015; the Respondent government is to file its written submissions, witness statements and documents to be relied upon before Friday 3 April

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2015, the Claimant is at liberty to file Reply submissions, witness statements and documents on or before Wednesday 8 April 2015 and the Respondent Government is at liberty to file Rejoinder submissions, witness statements and documents on or before Friday 10 April 2015 .

8. The hearing will proceed with witnesses and argument in Singapore on 13 and 14 April 2015.

9. The cooperation of the Parties in adhering to the schedule is appreciated.

Place of arbitration: Singapore

[Signed]

The Honourable Ian Binnie, C.C., Q.C., President
For the Arbitral Tribunal
Date: 5 February 2015