

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. 5

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

Secretary of the Tribunal
Anneliese Fleckenstein

Date: 19 September 2104

INTRODUCTION

1. On 24 August 2014, the Tribunal issued Procedural Order No. 4 deciding that a one day hearing would be held in order to hear the parties on the Claimant's Application for a Finding of Material Breach and for Reinstatement of the Arbitration submitted on 4 July 2014. On 4 September 2014, the Tribunal confirmed that the hearing would take place on 14 October 2014 at the seat of the Centre in Washington, D.C.

2. On 13 September 2014, the Respondent submitted its Objection to Jurisdiction and Motion to Suspend. On 17 September 2014, the Claimant submitted its Reply to Lao's Objection to Jurisdiction and Motion to Suspend.

THE TRIBUNAL'S DECISION

3. Having considered both parties' positions, the Tribunal hereby:
 - (a) affirms Procedural Order No. 4 and its 4 September 2014 communication for a hearing to take place on 14 October 2014 at the seat of the Centre in Washington, D.C.;

 - (b) adjourns the Respondent's Objection to Jurisdiction and Suspension of the Hearing to 14 October 2014;

 - (c) dispenses with the calling of any evidence by either party on 14 October 2014; and

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(d) invites the parties to file any further written submissions on the legal points identified in Procedural Order No. 4 in paragraphs 3, 4 and 5 by 1 October 2014.

4. For the avoidance of any doubt, the Tribunal clarifies that the hearing on 14 October 2014 is limited to the issues concerning this Tribunal's jurisdiction over the Claimant's Application.

Place of arbitration: Singapore

[Signed]

The Honourable Ian Binnie, C.C., Q.C., President
For the Arbitral Tribunal
Date: 19 September 2014