

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

**Eco Oro Minerals Corp.**

Claimant

**v.**

**Republic of Colombia**

Respondent

**(ICSID Case No. ARB/16/41)**

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**PROCEDURAL ORDER No. 1**

***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

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30 November 2017

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**Introduction**

The first session of the Tribunal was held on 21 November 2017, at 8 a.m. (EST), by telephone conference. The session was adjourned at 9:15 a.m. (EST).

An audio recording of the session was made and deposited in the archives of ICSID. The recording was distributed to the Members of the Tribunal and the Parties.

Participating in the conference were:

Members of the Tribunal:

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

ICSID Secretariat:

Mrs. Ana Constanza Conover Blancas, Secretary of the Tribunal

Assistant to the President of the Tribunal:

Mr. João Vilhena Valério

On behalf of the Claimant:

Mr. Nigel Blackaby, Freshfields Bruckhaus Deringer US LLP  
Ms. Caroline Richard, Freshfields Bruckhaus Deringer US LLP  
Mr. Juan Pedro Pomés, Freshfields Bruckhaus Deringer US LLP  
Mr. Elliot Luke, Freshfields Bruckhaus Deringer US LLP

On behalf of the Respondent:

Mr. Fernando Mantilla-Serrano, Latham & Watkins  
Mr. John Adam, Latham & Watkins  
Ms. Aija Lejniece, Latham & Watkins  
Mr. Diego Romero, Latham & Watkins  
Mr. Luis Guillermo Vélez Cabrera, General Director, *Agencia Nacional de Defensa Jurídica del Estado*, Republic of Colombia  
Ms. Sylvia Helena García, Defense Attorney, *Agencia Nacional de Defensa Jurídica del Estado*, Republic of Colombia  
Ms. Maria Camila Rincón Escobar, Defense Attorney, *Agencia Nacional de Defensa Jurídica del Estado*, Republic of Colombia

The Tribunal and the Parties considered the following:

- The draft agenda circulated by the Secretary of the Tribunal on 20 September 2017;
- The draft procedural order circulated by the Secretary of the Tribunal on 20 September 2017; and

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- The Parties' comments on the draft agenda and the draft procedural order received on 16 November 2017, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.

Following the session, the Tribunal now issues the present Order:

**Order**

Pursuant to ICSID Arbitration Rules 19 and 20, this first procedural order sets out the procedural rules that govern this arbitration. The three scenarios for procedural timetables for the written phase are attached as Annex A.

1. Applicable Arbitration Rules  
*Convention Article 44*

- 1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of 10 April 2006, except to the extent modified by Section B of Chapter Eight (Investment) of the Free Trade Agreement between Canada and the Republic of Colombia signed on 21 November 2008 and which entered into force on 15 August 2011 (the "Treaty" or the "FTA"), and supplemented by any rules adopted by the Commission under Articles 822(2), 832, and 2001(3)(a) of the FTA.

2. Constitution of the Tribunal and Tribunal Members' Declarations  
*Arbitration Rule 6*

- 2.1. The Tribunal was constituted on 11 September 2017 in accordance with the ICSID Convention and the ICSID Arbitration Rules. The Parties confirmed that the Tribunal was properly constituted and that no Party has any objection to the appointment of any Member of the Tribunal.
- 2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 6(2). Copies of these declarations were distributed to the Parties by the ICSID Secretariat on 11 September 2017.
- 2.3. The Members of the Tribunal confirmed that they have sufficient availability during the period set out in the timetable in Annex A to dedicate to this case.

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3. Fees and Expenses of Tribunal Members

*Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees*

3.1. The fees and expenses of each Tribunal Member shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses of ICSID Arbitrators in force at the time the fees and expenses are incurred.

3.2. Under the current Schedule of Fees, each Tribunal Member receives:

3.2.1. US\$3,000 (three thousand United States dollars) for each day of meetings or each eight hours of other work performed in connection with the proceedings or *pro rata*; and

3.2.2. subsistence allowances, reimbursement of travel, and other expenses pursuant to ICSID Administrative and Financial Regulation 14.

3.3. Each Tribunal Member shall submit her/his claims for fees and expenses to the ICSID Secretariat on a quarterly basis.

3.4. Non-refundable expenses incurred in connection with a hearing as a result of a postponement or cancellation of the hearing shall be reimbursed.

4. Presence and Quorum

*Arbitration Rules 14(2) and 20(1)(a)*

4.1. The presence of all Members of the Tribunal constitutes a quorum for its sittings, except as provided in § 4.2. Alternative appropriate means of communication shall be allowed for procedural and other sittings.

4.2. Procedural conferences, such as the pre-hearing organizational meeting, may be conducted by the President only.

5. Rulings of the Tribunal

*Convention Article 48(1); Arbitration Rules 16, 19 and 20*

5.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.

5.2. ICSID Arbitration Rule 16(2) applies to decisions taken by correspondence, except that where the matter is urgent, the President may decide procedural matters without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal.

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- 5.3. The Tribunal will draft all rulings, including the award, within a reasonable time period. If a ruling, other than an award, has not been issued within one month after the final submission on a particular matter, the Tribunal will provide the Parties with status updates every month. If an award has not been issued within six months after the final submission, the Tribunal will provide the Parties with status updates every three months.
- 5.4. The President is authorized to issue procedural orders on behalf of the Tribunal.
- 5.5. The Tribunal's rulings on procedural matters may be communicated to the Parties by the Tribunal Secretary in the form of a letter or email.

6. Power to Fix Time Limits  
*Arbitration Rule 26(1)*

- 6.1. The President shall fix time limits for the completion of the various steps in the proceeding and may extend them as appropriate.
- 6.2. In exercising this power, the President shall consult with the other Members of the Tribunal. If the matter is urgent, the President may fix or extend time limits without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal.

7. Secretary of the Tribunal  
*Administrative and Financial Regulation 25*

- 7.1. The Tribunal Secretary is Mrs. Ana Constanza Conover Blancas, Legal Counsel, ICSID, or such other person as ICSID may notify the Tribunal and the Parties from time to time.
- 7.2. To send copies of communications by email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Mrs. Ana Constanza Conover Blancas  
ICSID  
MSN J2-200  
1818 H Street, N.W.  
Washington, D.C. 20433  
United States of America  
Tel.: + 1 202 473 9042  
Fax: + 1 202 522-2615  
Email: [aconover@worldbank.org](mailto:aconover@worldbank.org)

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7.3. For local messenger deliveries, the contact details are:

Mrs. Ana Constanza Conover Blancas  
701 18th Street, N.W. (“J Building”)  
2nd Floor  
Washington, D.C. 20006  
Tel.: + 1 202 473 9042

8. Assistant to the Tribunal

- 8.1. By letter of 10 October 2017, the President of the Tribunal proposed, with the approval of the other Members of the Tribunal, that Mr. João Vilhena Valério be appointed as assistant to the President of the Tribunal. Mr. Vilhena Valério’s *curriculum vitae* was distributed to the Parties on that same date. The Parties agreed to appoint Mr. João Vilhena Valério as Assistant to the President of the Tribunal on 16 October 2017.
- 8.2. The Assistant to the Tribunal provided a declaration of independence and impartiality on 30 October 2017.
- 8.3. The Assistant acts under the strict supervision of the Tribunal. The Assistant to the Tribunal shall undertake to facilitate the arbitral process and complete such tasks as are placed under his purview or specifically assigned to him by the Arbitral Tribunal or the President. The Tribunal shall not delegate to the Assistant any decision-making functions, or any of the duties and obligations incumbent on the arbitrators. The Assistant shall undertake only such specific tasks as are assigned to him by the Tribunal. The Assistant’s tasks may include organizing and maintaining the arbitral tribunal’s file and locating documents and conducting research of specific issues of law. Tasks carried out by the Assistant do not relieve the Tribunal of its duty to personally review the file and draft its decisions.
- 8.4. The Assistant to the Tribunal shall be bound by the same duties of confidentiality, impartiality and independence as the Arbitral Tribunal.
- 8.5. The Parties will cover the fees and expenses of Mr. Vilhena Valério. Mr. Vilhena Valério will receive (a) US\$200 (two hundred United States dollars) for each hour of work performed in connection with the case or *pro rata*; (b) a flat rate of US\$1,600 (one thousand six hundred United States dollars) per day of hearing; and (c) reimbursement of reasonable expenses related to the hearing, in accordance with Administrative and Financial Regulation 14 and the ICSID Memorandum on the Fees and Expenses.

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8.6. The contact details of Mr. Vilhena Valério are the following:

Mr. João Vilhena Valério  
Rua Marquês de Fronteira, n.º 121 - 2.º Dto  
1070-293 Lisbon  
Portugal  
Tel.: +31 6 2522 2427  
Email: [jvv@beecheyarbitration.com](mailto:jvv@beecheyarbitration.com)

9. Representation of the Parties  
*Arbitration Rule 18*

9.1. Each Party shall be represented by its counsel (below) and may designate additional agents, advocates or counsel (including external counsel or counsel not appearing before the Arbitral Tribunal) by notifying the Tribunal and the Tribunal Secretary promptly in writing of such designation. The Secretary of the Tribunal shall promptly notify the other Party of such designation.

For Claimant

Mr. Nigel Blackaby  
Ms. Caroline Richard  
Mr. Alexander Wilbraham  
Mr. Lee Rovinescu  
Mr. Juan Pedro Pomés  
Ms. Ankita Ritwik  
Mr. Elliot Luke  
Freshfields Bruckhaus Deringer US LLP  
700 13<sup>th</sup> Street, NW  
10<sup>th</sup> Floor  
Washington, D.C. 20005-3960  
United States of America  
Tel: +1 202 777 4500  
Fax: +1 202 777 4555  
Emails: [nigel.blackaby@freshfields.com](mailto:nigel.blackaby@freshfields.com)  
[caroline.richard@freshfields.com](mailto:caroline.richard@freshfields.com)  
[alex.wilbraham@freshfields.com](mailto:alex.wilbraham@freshfields.com)  
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[elliott.luke@freshfields.com](mailto:elliott.luke@freshfields.com)  
[ecooro@freshfields.com](mailto:ecooro@freshfields.com)

For Respondent

Mr. Luis Guillermo Vélez Cabrera  
Ms. Ana María Ordóñez Puentes  
Ms. Sylvia Helena García  
Ms. Maria Camila Rincón Escobar  
Agencia Nacional de Defensa Jurídica del  
Estado  
Carrera 7 No. 75-66  
2nd and 3rd floors  
Bogotá, D.C.  
Colombia  
  
Mr. Fernando Mantilla-Serrano  
Ms. Claudia Salomon  
Mr. Charles Claypoole  
Mr. John Adam  
Ms. Aija Lejniece  
Mr. Diego Romero  
Latham & Watkins LLP  
45, rue Saint-Dominique  
75007 Paris  
France



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Mr. Juan Israel Casallas  
Holland & Knight LLP  
Carrera 7 # 71-21  
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ICSIDArb16-41.LWTEAM@lw.com

10. Apportionment of Costs and Advance Payments to ICSID

*Convention Article 61(2); Administrative and Financial Regulation 14; Arbitration Rule 28*

- 10.1. The Parties shall cover the direct costs of the proceeding through periodic advance payments to be made in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 10.2. By letter of 14 September 2017, ICSID requested that each Party pay US\$150,000.00 (one hundred and fifty thousand United States dollars) to cover the initial costs of the proceeding. ICSID received the Claimant's payment on 29 September 2017 and the Respondent's payment on 11 October 2017.
- 10.3. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account.

11. Place of Proceeding

*Convention Articles 62 and 63; Administrative and Financial Regulation 26; Arbitration Rule 13(3)*

- 11.1. Washington, D.C. shall be the place of the proceeding.
- 11.2. The Tribunal may hold hearings at any other place that it considers appropriate if the Parties so agree.

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- 11.3. The Parties also agree that the Tribunal may hold meetings or hearings, other than the hearing on jurisdiction and the hearing on the merits, by telephone or video conference upon consultation with the Parties.
- 11.4. The Tribunal may deliberate and conduct internal meetings at any place it considers convenient, including by video or telephone conference.

12. Procedural Languages, Translation and Interpretation

*Administrative and Financial Regulation 30(3) and (4); Arbitration Rules 20(1)(b) and 22*

- 12.1. English and Spanish are the procedural languages of the arbitration.

*For Parties' Pleadings*

- 12.2. Parties may submit documents in either procedural language. In addition to any other specific requirements concerning translations in this order, the Parties may submit, or the Tribunal may request, translations of any documents submitted in English or in Spanish into the other procedural language, in accordance with § 14.2 below.
- 12.3. Documents filed in any language other than English or Spanish must be accompanied by a translation into either procedural language.
- 12.4. If a document is relevant only in part, it is sufficient if only the relevant parts are translated. The Tribunal may require a fuller or a complete translation at the request of any Party or upon its own initiative.
- 12.5. Pleadings, expert opinions, and witness statements may be submitted in Spanish provided that translations of such documents into English are also submitted as provided in § 14.2 below. Similarly, relevant excerpts of Spanish-language exhibits will be translated into English.
- 12.6. Translations need not be certified. If a Party wishes to challenge the translation of a document, it may submit a new translation that clearly identifies the differences.
- 12.7. Documents exchanged between the Parties under § 16 below (Production of Documents) may be produced in the original language and need not be translated.
- 12.8. Routine, administrative, or procedural correspondence addressed to or sent by the ICSID Secretariat may be in either procedural language.

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*For Hearings*

- 12.9. Either procedural language, English or Spanish, may be used during hearings. The Tribunal may request simultaneous interpretation into English. Transcripts shall be taken in English or in Spanish, as appropriate.
- 12.10. Witnesses or experts who do not testify in English or Spanish shall be simultaneously interpreted into either procedural language, as required by the Arbitral Tribunal.
- 12.11. The Parties will notify the Tribunal, as soon as possible, and no later than at the pre-hearing organizational meeting (see § 20 below), which witnesses or experts require interpretation.
- 12.12. The costs of the interpreters will be paid from the advance payments made by the Parties, without prejudice to the decision of the Tribunal as to which Party shall ultimately bear those costs. However, the costs of interpretation for non-English or non-Spanish speaking witnesses or experts shall be borne by the Party presenting such witnesses or experts.

*For Tribunal's Documents Except the Award*

- 12.13. The Tribunal may make procedural orders or decisions in either procedural language.

*For Tribunal's Award*

- 12.14. The Tribunal shall render the Award in English and Spanish. For the avoidance of doubt, both the English and the Spanish versions shall be authentic, in accordance with ICSID Arbitration Rule 22(2).

**13. Routing of Communications**

*Administrative and Financial Regulation 24*

- 13.1. Written communications in the case shall be transmitted by email or other electronic means to the Parties, the Secretary and Assistant of the Tribunal, and the Tribunal.
- 13.2. Electronic versions of communications ordered by the Tribunal to be filed simultaneously shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing Party and the Tribunal.
- 13.3. The Tribunal Secretary shall not be copied on direct communications between the Parties when such communications are not intended to be transmitted to the Tribunal.

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13.4. The email addresses of the Members of the Tribunal are:

Mrs. Juliet Blanch

juliet.blanch@arbchambers.com

Professor Horacio A.

Grigera Naón

hgnlaw@gmail.com;

hgrigeranaon@yahoo.com

Professor Philippe Sands

p.sands@ucl.ac.uk;

philippesands@matrixlaw.co.uk

14. Number of Copies and Method of Filing of Parties' Pleadings

*Administrative and Financial Regulation 30; Arbitration Rules 20(1)(d) and 23*

14.1. On the relevant filing date, the relevant Party shall submit by email to the Tribunal, the Secretary and Assistant of the Tribunal, and the opposing Party, an electronic version of the pleading, along with electronic copies of the witness statements, expert reports, and a consolidated index of all the exhibits and legal authorities supporting the pleading (the "Electronic Email Filing").<sup>1</sup> Within three (3) business days<sup>2</sup> after the Electronic Email Filing, the Parties shall upload the entire submission, including the pleading, witness statements, expert reports, exhibits, legal authorities, and the corresponding consolidated index, to the folder created by ICSID for this case in the World Bank's electronic file sharing platform ("Electronic Platform Filing").

14.2. Any translations of submissions and evidence are to be uploaded to the World Bank's electronic file sharing platform within twenty-one (21) days of the Electronic Platform Filing. In the case of the request for bifurcation mentioned in § 15.8, below, the relevant translations shall be submitted within five (5) business days.

14.3. Within four (4) business days of the Electronic Platform Filing indicated in § 14.1 or § 14.2, whichever is later,<sup>3</sup> the relevant Party shall courier to the Tribunal Secretary:

14.3.1. one (1) unbound hard copy in A4/Letter double-sided format<sup>4</sup> of the submission, including signed originals of the pleading, witness statements, expert reports, exhibits (but not including legal authorities), and the corresponding consolidated index, both in their original language and translated where required under §§ 12.2 and 12.3 *supra*, for ICSID's records; and

14.3.2. two (2) USB drives with full electronic copies of the submission, including the pleading, witness statements, expert reports, exhibits, legal authorities, and a consolidated hyperlinked index of all the exhibits and the legal authorities

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<sup>1</sup> Please note that the World Bank server does not accept emails larger than 25 MB.

<sup>2</sup> "Business days" shall be understood as those in the place where the international counsel filing the relevant pleading is located (i.e., Washington DC or Paris).

<sup>3</sup> For the avoidance of doubt it is clarified that the hard copies of the *original* pleading shall be filed together with the hard copies of the *translations*, i.e., within four (4) business days of the Electronic Platform Filing of the translations.

<sup>4</sup> The A4/Letter format is required for ICSID's archiving. The Secretariat's copy will be kept in the official repository of ICSID, and it is not intended to be used at hearings.

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attached to the pleading (both in their original language and translated where required under §§ 12.2 and 12.3 *supra*), for ICSID's records.

14.4. On the same day set forth in § 14.3 *supra* the relevant Party shall courier to each Member of the Tribunal at the addresses indicated at § 14.5 below:

14.4.1. one (1) hard copy in A5 format (double sided, spiral bound and in soft cover) of the submission, including the pleading, witness statements, expert reports, exhibits (but not including legal authorities), and the corresponding consolidated index, both in their original language and translated where required under §§ 12.2 and 12.3 *supra*; and

14.4.2. one (1) USB drive with a full electronic copy of the entire submission, including the pleading, witness statements, expert reports, exhibits, legal authorities, and a consolidated hyperlinked index of all the exhibits and the legal authorities attached to the pleading (both in their original language and translated where required under §§ 12.2 and 12.3 *supra*).

14.5. The addresses of the Tribunal Members are as follows:

Mrs. Juliet Blanch  
Lamb Building  
3rd Floor South  
Temple  
London  
EC4Y 7AS  
United Kingdom

Professor Horacio A.  
Grigera Naón  
5224 Elliott Road  
Bethesda  
Maryland 20816  
United States of America

Professor Philippe Sands  
Matrix Chambers  
Gray's Inn  
London WC1R 5LN  
United Kingdom

14.6. Legal authorities shall be submitted in electronic format only, unless a hard copy is specifically requested by the Tribunal.

14.7. Electronic versions of pleadings, witness statements, expert reports, and legal authorities shall be text searchable (i.e., OCR PDF or Word) and not secured.

14.8. All pleadings shall be accompanied by a consolidated index to the supporting documentation, which will be hyperlinked with respect to §§ 14.3.2 and 14.4.2. The consolidated index referred to in §§ 14.1 to 14.4 *supra* shall indicate the document number, its title and date, the pleading with which it was submitted, and the language of the document.

14.9. The official date of receipt of a pleading or communication shall be the day on which the electronic version is sent to the Tribunal Secretary by email.

14.10. A filing shall be deemed timely if sent by a Party by midnight, Washington, D.C. time, on the relevant date.

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**15. Number and Sequence of Pleadings**

*Arbitration Rules 20(1)(c), 20(1)(e), 29 and 31*

- 15.1. The Parties shall submit their pleadings in accordance with the procedural calendars established in Annex A, which envisages three different scenarios:
- 15.1.1. Scenario 1 shall apply in the event that objections to jurisdiction (if any) are made with the counter-memorial and there is no request for bifurcation.
- 15.1.2. Scenario 2 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 granted.
- 15.1.3. Scenario 3 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.

**Scenario 1**

- 15.2. The Claimant shall file a Memorial on the Merits within 100 days of the issuance of this Procedural Order No. 1.
- 15.3. The Respondent shall file a Counter-Memorial on the Merits [and Memorial on Jurisdictional Objections, if applicable] within 140 days following the filing of Claimant's Memorial.
- 15.4. The Claimant shall file a Reply on the Merits [and Counter-Memorial on Jurisdictional Objections, if applicable] within 140 days following the filing of Respondent's Counter-Memorial on the Merits [and Memorial on Jurisdictional Objections].
- 15.5. The Respondent shall file a Rejoinder on the Merits [and Reply on Jurisdictional Objections, if applicable] within 140 days following the filing of Claimant's Reply on the Merits [and Counter-Memorial on Jurisdictional Objections].
- 15.6. The Claimant shall file a Rejoinder on Jurisdictional Objections, if applicable, within 100 days following Respondent's Reply on Jurisdictional Objections.
- 15.7. The remaining procedural steps shall be as set out in Scenario 1 of Annex A.

**Request for Bifurcation - Scenarios 2 and 3**

- 15.8. In the event that the Respondent decides to raise objections to jurisdiction and requests a bifurcation of the proceedings:

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- 15.8.1. Respondent will make a request for bifurcation within 30 days of the filing of Claimant's Memorial, providing a summary of its jurisdictional objections.
- 15.8.2. The Claimant will be granted an opportunity to make any observations with respect to Respondent's request for bifurcation within 30 days of the submission of Respondent's request for bifurcation.
- 15.8.3. The Tribunal will use its best efforts to issue its decision with respect to Respondent's request for bifurcation within 30 days of the submission of Claimant's observations to the request for bifurcation. If necessary, the Tribunal may hold a conference call with the Parties during this period.
- 15.8.4. The proceedings on the merits shall be suspended from the date of the submission of Respondent's request for bifurcation until the date of the Tribunal's decision on the request for bifurcation. Should the Tribunal decide:
  - 15.8.4.1. To bifurcate, the proceedings on the merits shall remain suspended until the Tribunal decides to lift the suspension and Scenario 2 in Annex A shall apply.
  - 15.8.4.2. Not to bifurcate, the suspension shall be lifted and Scenario 3 in Annex A shall apply.

**16. Production of Documents**

*Convention Article 43(a); Arbitration Rules 24 and 33-36*

- 16.1. Should document production be necessary, it would take place after the filing of the Counter-Memorial on Jurisdiction and Admissibility, if applicable, and after the filing of the Counter-Memorial on the Merits, as established in Annex A.
- 16.2. The Tribunal may be guided by the International Bar Association Rules on the Taking of Evidence in International Arbitration (2010) in relation to document production.
- 16.3. On the date provided in Annex A, each Party may submit a request for production of documents to the other party. The request shall be made in the form of a Redfern Schedule as attached in Annex B hereto, in both Word and PDF format, and shall not be copied to the Tribunal or the Tribunal Secretary.
- 16.4. On the date provided in Annex A the other Party shall, using the Redfern Schedule provided by the first Party, provide the requesting Party with its reasons and/or objections for its failure or refusal to produce responsive documents.
- 16.5. On the date provided in Annex A the other Party shall produce the requested documents to which it has not filed any objection.

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- 16.6. On the date provided in Annex A, the requesting Party shall reply to the other Party's objections in that same Redfern Schedule and shall submit such Redfern Schedule to the Tribunal, with a copy to the other Party (in both Word and PDF formats).
- 16.7. The Tribunal will make its best efforts to rule on the objections within four weeks of receiving the Redfern Schedule. Provided that the Tribunal rules within four weeks of receiving the Redfern Schedule, a Party shall produce documents ordered by the Tribunal by the date provided in Annex A.
- 16.8. Documents shall be communicated directly to the requesting Party without copying the Tribunal or the Tribunal Secretary. Documents so communicated shall not be considered to be admitted to the record unless and until a Party subsequently files them as exhibits in accordance with § 17 below.

**17. Submission of Documents**

*Convention Article 44; Administrative and Financial Regulation 30; Arbitration Rule 24*

- 17.1. The Memorial and Counter-Memorial shall be accompanied by the documentary evidence relied upon by the Parties, including exhibits and legal authorities. Further documentary evidence relied upon by the Parties in rebuttal shall be submitted with the Reply and Rejoinder.
- 17.2. The documents shall be submitted in the manner and form set forth in § 14 above.
- 17.3. Neither Party shall be permitted to submit additional or responsive documents after the filing of its respective last written submission, unless the Tribunal determines that exceptional circumstances exist based on a reasoned written request followed by observations from the other Party.
  - 17.3.1. Should a Party request leave to file additional or responsive documents, that Party may not annex the documents that it seeks to file to its request.
  - 17.3.2. If the Tribunal grants such an application for submission of an additional or responsive document, the Tribunal shall ensure that the other Party is afforded sufficient opportunity to make its observations concerning such a document.
- 17.4. The Tribunal may call upon the Parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 34(2).
- 17.5. The documents shall be submitted in the following form:
  - 17.5.1. Exhibits shall be numbered consecutively throughout these proceedings.



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- 17.5.2. The number of each exhibit containing a document produced by Claimant shall be preceded by the letter “C-” for factual exhibits and “CL-” for legal exhibits containing authorities. The number for each exhibit containing a document produced by Respondent shall be preceded by the letter “R-” for factual exhibits and “RL-” for legal exhibits containing authorities.
- 17.5.3. Each exhibit filed in hard copy shall have a divider with the exhibit identification number on the tab. Exhibits shall be bound separately from the respective pleadings.
- 17.5.4. Exhibits filed in electronic form shall be submitted in PDF format. A Party may reasonably request that the submitting Party provide copies of files in their native format (e.g. XLS or XLSX). The name of each electronic file will start with the number “C-0001” and “R-0001,” respectively. The numbering shall also indicate the language of the document, *e.g.* C-0001(ENG) for a document submitted only in English, C-0001(SPA) for a document submitted only in Spanish and C-0001(ENG/SPA) for a document submitted simultaneously in English and Spanish.
- 17.5.5. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a Party, in which case the Tribunal will determine whether authentication is necessary.
- 17.6. The Parties shall file all documents only once by attaching them to their pleadings. Documents so filed need not be resubmitted with witness statements and expert reports even if referred to in such statements or reports, and vice versa.
- 17.7. The Parties may not use any document for argument, cross-examination, or redirect examination at any hearing if said document was not submitted in advance and on the record.
- 17.8. Demonstrative exhibits (such as PowerPoint slides, charts, tabulations, etc.) may be used at any hearing, provided they contain no new evidence. Each Party shall number its demonstrative exhibits consecutively, *e.g.* “CH-1”, “CH-2”, etc for Claimant, and “RH-1”, “RH-2”, etc. for Respondent. Demonstrative exhibits shall clearly reference the source of the information from the record (*e.g.* pleading, witness statement, expert report, exhibit, legal authority, with a pinpoint citation). The Party submitting such exhibits shall provide them in hard copy to the other Party, the Tribunal Members, the Secretary and Assistant of the Tribunal, the court reporters, and the interpreters at the hearing, at a time to be decided at the pre-hearing organizational meeting.

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**18. Witness Statements and Expert Reports**

*Convention Article 43(a); Arbitration Rule 24*

- 18.1. Witness statements and expert reports shall be filed together with the Parties' pleadings.
- 18.2. Any person may present evidence as a witness, including a Party or its officials, officers, employees or other representatives. Witness statements shall include:
  - 18.2.1. the full name of the witness, a statement regarding his or her present and past relationship (if any) with any of the Parties, and a description of his or her background, qualifications, training and experience, if such a description may be relevant to the dispute or to the contents of the statement; and
  - 18.2.2. an affirmation of the truth of the Witness Statement.
- 18.3. Expert reports shall include:
  - 18.3.1. the full name of the expert, a statement regarding his or her present and past relationship (if any) with any of the Parties, and a description of his or her background, qualifications, training and experience;
  - 18.3.2. a description of the instructions pursuant to which he or she is providing his or her opinions and conclusions;
  - 18.3.3. a statement of his or her independence from the Parties, their legal advisors and the Arbitral Tribunal;
  - 18.3.4. his or her expert opinions and conclusions, including a description of the methods, evidence and information used in arriving at the conclusions. Documents on which the expert relies that have not already been submitted shall be provided;
  - 18.3.5. an affirmation of his or her genuine belief in the opinions expressed in the Expert Report; and
  - 18.3.6. if the Expert Report has been signed by more than one person, an attribution of the entirety or specific parts of the Expert Report to each author.
- 18.4. Neither Party shall be permitted to submit any testimony that has not been filed with the written submissions, unless the Tribunal determines that exceptional circumstances exist based on a reasoned written request followed by observations from the other Party (following the procedure outlined in § 17.3).
- 18.5. Each witness statement and expert report shall be signed and dated by the witness or expert.

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18.6. Witness statements and expert reports shall be filed in PDF format, with consecutive title, paragraph and page numbers, and shall be word searchable. All their supporting evidence shall be submitted following the procedure set out in § 17, above.

19. Examination of Witnesses and Experts  
*Arbitration Rules 35 and 36*

19.1. Unless otherwise stated, the rules below apply to the examination of fact and expert witnesses.

19.2. In advance of any hearing, by the deadline provided in Annex A, each Party shall provide to the opposing Party, with a copy to the Tribunal: the names of the witnesses whose statement or report has been submitted by the other Party with the request that they be available for cross-examination at the hearing. The Tribunal shall rule on any outstanding issue in connection with the appearance of witnesses during, or soon after, the pre-hearing organizational meeting.

19.3. The facts contained in the written statement of a witness whose cross-examination has been waived by the other Party and who has not been called by the Tribunal to testify shall not be deemed established by the sole fact that no cross-examination has been requested. The Tribunal will assess the weight of the written statement taking into account the entire record and all the relevant circumstances.

19.4. If a witness is unable to appear personally at a hearing for valid cause (for example, force majeure or reasons of health), the Tribunal may permit alternative arrangements (such as videoconference facilities), upon consultation with the Parties.

19.5. If a witness whose appearance has been requested pursuant to § 19.2 fails without a valid reason to appear for testimony at a hearing, the Tribunal shall disregard the witness's statement(s) unless, in exceptional circumstances, the Tribunal decides otherwise.

19.6. After the Parties' notification under § 19.2, the Tribunal will indicate to the Parties whether it wishes any witnesses or experts who have not been designated to testify to appear at the hearing, either *sua sponte* or on the request of a Party.

19.7. Witnesses and experts shall be examined before the Tribunal by the Parties under the control of its President. The Tribunal may examine the witness at any time, either before, during or after examination by one of the Parties.

19.8. Witnesses giving oral evidence shall, before giving evidence, make the declaration in ICSID Arbitration Rule 35(2), and experts shall make the declaration in ICSID Arbitration Rule 35(3). The witnesses will be asked to confirm their statement or report and may then be briefly examined by counsel for the Party that is presenting the witness

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for “direct examination” which may not introduce new matters not already covered by the written statement or report, save in response to new matters raised in the Rejoinder. During the brief direct examination, the Party who has presented the witness may ask the witness introductory questions, including about any corrections to be made to the written statements, and to address new matters raised in the Rejoinder. Experts may give a presentation before the start of their cross-examination. The witness may then be examined by counsel for the opposing Party (“cross-examination”), and subsequently by counsel for the Party offering the witness, limited to matters that arose during cross-examination (“re-direct examination”).

- 19.9. Each Party shall be responsible for the practical arrangements, cost and availability of any witness it offers, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 19.10. A fact witness shall not be present in the hearing room during the hearing of oral testimony, discuss the testimony of any other witness who has already testified prior to giving his/her testimony, or read any transcript of any oral testimony, prior to his or her examination, except with the express permission of the Tribunal upon request from a Party. This condition does not apply to experts.
- 19.11. The Tribunal shall, at all times, have complete control over the procedure for hearing a witness. The Tribunal may in its discretion refuse to hear a witness when it appears that the facts on which he or she is to testify are already proven by other evidence or are irrelevant. It may also order that a witness be recalled for further examination at any time. Any witness may only be recalled by the Tribunal (of its own motion or on request) if such intention is announced in time to assure the availability of the witness during the hearing.
- 19.12. Counsel may meet witnesses and potential witnesses to establish the facts, assist with the preparation of witness statements and oral examinations.

**20. Pre-Hearing Organizational Meetings**

*Arbitration Rules 13 and 21*

- 20.1. A pre-hearing organizational meeting shall be held by telephone at a date determined by the Tribunal after consultation with the Parties and in accordance with Annex A between the Tribunal, or its President, and the Parties in order to resolve any outstanding procedural, administrative, and logistical matters in preparation for the hearing, including the use of “core bundles” and the allocation of time during the hearing, in accordance with § 21.8.

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21. Hearings

*Arbitration Rules 20(1)(e) and 32*

- 21.1. The oral procedure shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.
- 21.2. The hearing shall be held at a place to be determined in accordance with § 11 above.
- 21.3. The hearing shall take place, subject to the availability of the Tribunal and the Parties, within 120 days (but not before 60 days) following the Claimant's Rejoinder on Jurisdiction, for the hearing on jurisdiction, if applicable, and/or Respondent's Rejoinder (or the Claimant's Rejoinder on Jurisdiction, as provided in Scenario 1 of Annex A), for the hearing on the merits, at which the Parties will present their experts and witnesses, and make oral submissions.
- 21.4. The Tribunal shall establish the hearing dates shortly after: (i) 30 days have passed from the filing of the Claimant's Memorial on the Merits without the filing of a request for bifurcation by the Respondent in Scenario 1 of Annex A; or (ii) 30 days after the decision on bifurcation in Scenarios 2 and 3 of Annex A. Barring any exceptional circumstances, the hearing dates so established shall be considered final and will not be changed.
- 21.5. The Members of the Tribunal shall endeavor to reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 21.6. Prior to the hearing, the Parties shall use their best efforts to agree and prepare a single USB drive including all pleadings, witness statements, expert reports, exhibits, legal authorities, decisions and orders in the arbitration file, with a unified hyperlinked index. As soon as possible, but no later than two (2) weeks before the hearing, the Parties shall courier two (2) copies of the USB drive to the Secretary of the Tribunal, and one copy of the USB drive to the Assistant and to each Member of the Tribunal.
- 21.7. The Tribunal shall inform the Parties at least one month before the hearing whether each Party shall provide one (1) additional hard copy in A4 or letter format of its entire set of pleadings, including supporting documents (excluding legal authorities), in their original language and translated into English (if applicable), for use by the Tribunal during the hearing.
- 21.8. In accordance with Article 830(2) of the FTA, hearings shall be open to the public. The Tribunal may hold portions of hearings *in camera* to the extent necessary to ensure the protection of confidential information. The Tribunal shall establish procedures for the protection of confidential information and appropriate logistical arrangements for open hearings, in consultation with the parties. Pursuant to Article 827(2) of the FTA, Canada, as the other Contracting Party to the Treaty, shall have the right to attend any hearings. Upon written notice to the disputing parties, the Government of Canada may

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make oral and written submissions to the Tribunal on a question of interpretation of the Treaty.

**22. Records of Hearings and Sessions**

*Arbitration Rule 13 and 20(1)(g)*

- 22.1. Sound recordings shall be made of all hearings and sessions. The sound recordings shall be provided to the Parties and the Tribunal Members.
- 22.2. Verbatim transcripts shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the Parties or ordered by the Tribunal, the verbatim transcripts shall be available in real-time using LiveNote or similar software and electronic transcripts shall be provided to the Parties and the Tribunal on a same-day basis.
- 22.3. The Parties shall agree on any corrections to the transcripts within 28 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the Parties in the transcripts (“revised transcripts”). The Tribunal shall decide upon any disagreement between the Parties and any correction adopted by the Tribunal shall be entered by the Parties in the revised transcripts.

**23. Post-Hearing Memorials and Statements of Costs**

*Convention Article 44; Arbitration Rule 28(2)*

- 23.1. At the end of the hearing, and in consultation with the Parties, the Tribunal shall decide whether to order post-hearing briefs. In the affirmative, the Tribunal will address the time limits for, and the length, format, and content of the post-hearing briefs. No additional evidence may be produced together with the post-hearing briefs, except with leave from or on the request of the Tribunal.
- 23.2. In accordance with Arbitration Rule 28(2), promptly after the closure of the proceeding, each Party shall submit to the Secretary of the Tribunal a statement of costs reasonably incurred or borne by it in the proceeding. The Tribunal will issue specific directions in this regard.

**24. Public Access to Documents**

*Convention Article 48(5), Administrative and Financial Regulation 22, Arbitration Rule 48(4), Treaty Article 830*

- 24.1. In accordance with Article 830(1) of the Treaty, the award shall be publicly available, subject to the deletion of confidential information.

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- 24.2. The Tribunal's procedural orders, the Notice of Intent, and the Request for Arbitration shall also be publicly available, subject to the deletion of confidential information.
- 24.3. Unless the Parties agree otherwise, and always subject to the deletion of confidential information, no other documents submitted to, or issued by, the Tribunal shall be publicly available. A Party providing information that it claims is confidential has the burden of designating it as confidential.
- 24.4. Pursuant to Article 830(3) of the Treaty, a Party may disclose to other persons in connection with the arbitral proceedings such unredacted documents as it considers necessary for the preparation of its case, but it shall ensure that those persons protect the confidential information in such documents.
- 24.5. In accordance with Article 830(5) of the Treaty, to the extent that a Tribunal's confidentiality order designates information as confidential and a law on access to information of either Contracting Party to the Treaty requires public access to that information, such domestic law shall prevail. However, a Contracting Party to the Treaty should endeavour to apply its law on access to information so as to protect information designated confidential by the Tribunal.

**25. Submissions by a Non-Disputing Party**

*Arbitration Rule 37(2), Treaty Article 831 and Annex 831*

- 25.1. In accordance with Annex A: (i) an application to the Tribunal for leave to file a non-disputing party submission may be submitted no later than one month after the first exchange of pleadings on jurisdiction or merits, as applicable, between the Parties has taken place; and (ii) any non-disputing party submission must be filed no later than one month before the second exchange of pleadings on jurisdiction or merits, as applicable, begins.
- 25.2. The Parties will be granted an opportunity to submit observations in relation to any non-disputing party application for leave to file a non-disputing party submission, and to any non-disputing party submissions, as provided in Annex A.
- 25.3. In accordance with ICSID Arbitration Rule 37(2) and Article 831 of the Treaty, the Tribunal shall ensure that any non-disputing party submission does not disrupt the proceeding or unduly burden or unfairly prejudice either Party.
- 25.4. In the event that a non-disputing party is granted leave to make a submission, the Tribunal shall impose a deadline for such submission in accordance with § 25.3 above. The Tribunal shall likewise decide whether and to what degree a non-disputing party granted leave to make a submission shall be granted access to the pleadings submitted by the Parties, subject to the deletion of confidential information and excluding their supporting documentation (including exhibits, witness statements, and expert reports).

**Procedural Order No. 1**

- Access to the pleadings shall be granted upon the execution of a non-disclosure agreement by the non-disputing party.
- 25.5. Non-disputing parties that demonstrate the same significant interest in the arbitration shall submit a joint submission.
- 25.6. An application to the Tribunal for leave to file a non-disputing party submission, and the filing of a submission, if allowed by the Tribunal, shall be made in accordance with ICSID Arbitration Rule 37(2), and Article 831 and Annex 831 of the Treaty.

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Mrs. Juliet Blanch  
President of the Tribunal  
Date: 30 November 2017



## Annex A – Procedural Calendar

### *Eco Oro Minerals Corp. v. Republic of Colombia* (ICSID Case No. ARB/16/41)

Three Scenarios for Procedural Timetables under Procedural Order No. 1 for the Written Phase.

#### SCENARIO 1

The following timetable shall apply in the event that objections to jurisdiction (if any) are made with the counter-memorial, and there is no request for bifurcation.

Period of Time	Party / Tribunal	Description
Within 100 days of the issuance of the first Procedural Order	Claimant	Memorial on the Merits
+140 days from the Memorial on the Merits	Respondent	Counter-Memorial on the Merits [and Memorial on Jurisdictional Objections (no request for bifurcation)]
+5 days from the Counter-Memorial on the Merits	Non-Disputing Parties	Cut-off date for submission of applications for leave to file a Non-Disputing Party submission
+21 days from applications from Non-Disputing Parties	Parties	Comments on the applications from Non-Disputing Parties seeking leave to file submissions
+30 days from the Counter-Memorial on the Merits [and Memorial on Jurisdictional Objections (no request for bifurcation)]	Parties	Requests for Production of Documents
+14 days from the Requests for Production of Documents	Parties	Objections to Production Requests and Production of Uncontested Documents
+21 days from the Parties' Comments on the applications from Non-Disputing Parties seeking leave to file submissions	Tribunal	Decision concerning applications from Non-Disputing Parties
+14 days from the Objections to Production Requests	Parties	Responses to Objections to Production Requests

**Procedural Order No. 1 – Annex A**

<b>Period of Time</b>	<b>Party / Tribunal</b>	<b>Description</b>
+14 days from Responses to Objections to Productions Requests	Tribunal	Ruling on Parties' Requests for Production of Documents
+30 days from the Tribunal's Decision concerning applications from Non-Disputing Parties	Non-Disputing Parties	Deadline to file Non-Disputing Party submission
+21 days from the Ruling on Parties' Requests for Production of Documents	Parties	Document Production in accordance with the Tribunal's Rulings
+140 days from the Counter-Memorial on the Merits [and Memorial on Jurisdictional Objections]	Claimant	Reply on the Merits [and Counter-Memorial on Jurisdictional Objections]
+140 days from the Reply [and Counter-Memorial on Jurisdictional Objections]	Respondent	Rejoinder on the Merits [and Reply on Jurisdictional Objections]
+60 days from Reply on Jurisdictional Objections	Claimant	[Rejoinder on Jurisdictional Objections, if applicable]
45 days before the Hearing	Claimant & Respondent	Witness notification
30 days before the Hearing	All	Pre-Hearing Organizational Meeting
within 60 to 120 days from Respondent's Rejoinder on the Merits, or Claimant's Rejoinder on Jurisdictional Objections, if applicable	All	Hearing

**Procedural Order No. 1 – Annex A**

**SCENARIO 2**

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 granted.

<b>Period of Time</b>	<b>Party / Tribunal</b>	<b>Description</b>
Within 100 days of the issuance of the first Procedural Order	Claimant	Memorial on the Merits
+30 days from delivery of Memorial	Respondent	Request for Bifurcation (setting out summary of jurisdictional objections)
+30 days from Request for Bifurcation	Claimant	Observations on Request for Bifurcation
+30 days from Observations on Request for Bifurcation	Tribunal	Decision granting bifurcation
+60 days from decision to bifurcate	Respondent	Memorial on Jurisdiction
+60 days from Memorial on Jurisdiction	Claimant	Counter-Memorial on Jurisdiction
+5 days from the Counter-Memorial on Jurisdictional Objections	Non-Disputing Parties	Cut-off date for submission of applications for leave to file a Non-Disputing Party submission on jurisdiction
+21 days from applications from Non-Disputing Parties	Parties	Comments on the applications from Non-Disputing Parties seeking leave to file submissions on jurisdiction
+14 days from the Counter-Memorial on Jurisdictional Objections	Parties	Requests for Production of Documents (with respect to jurisdictional objections)
+14 days from the Requests for Production of Documents	Parties	Objections to Production Requests and Production of Uncontested Documents
+21 days from the Parties' Comments on the applications from Non-Disputing Parties seeking leave to file submissions	Tribunal	Decision concerning applications from Non-Disputing Parties for leave to file a submission on jurisdiction
+14 days from the Objections to Production Requests	Parties	Responses to Objections to Production Requests
+14 days from Responses to Objections to Productions Requests	Tribunal	Ruling on Parties' Requests for Production of Documents

**Procedural Order No. 1 – Annex A**

<b>Period of Time</b>	<b>Party / Tribunal</b>	<b>Description</b>
+30 days from the Tribunal's Decision concerning applications from Non-Disputing Parties	Non-Disputing Parties	Deadline to file Non-Disputing Party submission on jurisdiction
+21 days from the Ruling on Parties' Requests for Production of Documents	Parties	Document Production in accordance with the Tribunal's Rulings
+30 days from document production in accordance with the Tribunal's Rulings	Respondent	Reply on Jurisdiction
+30 days from Reply on Jurisdiction	Claimant	Rejoinder on Jurisdiction
45 days before the Hearing	Claimant & Respondent	Witness notification
30 days before the Hearing	All	Pre-Hearing Organizational Meeting
within 60 to 120 days from Rejoinder on Jurisdiction	All	Hearing on Jurisdiction
+120 days from Hearing on Jurisdiction	Tribunal	Decision on Jurisdiction
Assuming that the Decision on Jurisdiction is not dispositive of the entirety of the arbitration		
+120 days from Decision on Jurisdictional Objections	Respondent	Counter-Memorial on the Merits
+5 days from the Counter-Memorial on the Merits	Non-Disputing Parties	Cut-off date for submission of applications for leave to file a Non-Disputing Party submission on merits
+21 days from applications from Non-Disputing Parties	Parties	Comments on the applications from Non-Disputing Parties seeking leave to file submissions on merits
+30 days from the Counter-Memorial on the Merits	Parties	Requests for Production of Documents
+14 days from the Requests for Production of Documents	Parties	Objections to Production Requests and Production of Uncontested Documents

**Procedural Order No. 1 – Annex A**

<b>Period of Time</b>	<b>Party / Tribunal</b>	<b>Description</b>
+21 days from the Parties' Comments on the applications from Non-Disputing Parties seeking leave to file submissions	Tribunal	Decision concerning applications from Non-Disputing Parties seeking leave to file submissions on merit
+14 days from the Objections to Production Requests	Parties	Responses to Objections to Production Requests
+14 days from Responses to Objections to Productions Requests	Tribunal	Ruling on Parties' Requests for Production of Documents
+30 days from the Tribunal's Decision concerning applications from Non-Disputing Parties	Non-Disputing Parties	Deadline to file Non-Disputing Party submission on merits
+21 days from the Ruling on Parties' Requests for Production of Documents	Parties	Document Production in accordance with the Tribunal's Rulings
+140 days from Respondent's Counter-Memorial on the Merits	Claimant	Reply on the Merits
+140 days from Reply on the Merits	Respondent	Rejoinder on the Merits
+45 days before the Hearing	Claimant & Respondent	Witness notification
+30 days before the Hearing	All	Pre-Hearing Organizational Meeting
within 60 to 120 days from Rejoinder on the Merits	All	Hearing on the Merits

**Procedural Order No. 1 – Annex A**

**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.

<b>Period of Time</b>	<b>Party / Tribunal</b>	<b>Description</b>
Within 100 days of the issuance of the first Procedural Order	Claimant	Memorial on the Merits
+30 days from delivery of Memorial	Respondent	Request for Bifurcation (setting out summary of jurisdictional objections)
+30 days from Request for Bifurcation	Claimant	Observations on Request for Bifurcation
+30 days from Observations on Request for Bifurcation	Tribunal	Decision refusing bifurcation
+110 days from Decision Refusing Bifurcation	Respondent	Counter-Memorial on the Merits and Memorial on Jurisdiction
+5 days from Counter-Memorial on Merits and Memorial on Jurisdiction	Non-Disputing Parties	Cut-off date for submission of applications for leave to file a Non-Disputing Party submission
+21 days from applications from Non-Disputing Parties	Parties	Comments on the applications from Non-Disputing Parties seeking leave to file submissions
+30 days from the Counter-Memorial on the Merits and Memorial on Jurisdiction	Parties	Requests for Production of Documents
+14 days from the Requests for Production of Documents	Parties	Objections to Production Requests and Production of Uncontested Documents
+21 days from the Parties' Comments on the applications from Non-Disputing Parties seeking leave to file submissions	Tribunal	Decision concerning applications from Non-Disputing Parties
+ 14 days from the Objections to Production Requests	Parties	Responses to Objections to Production Requests
+ 14 days from Responses to Objections to Productions Requests	Tribunal	Ruling on Parties' Requests for Production of Documents

**Procedural Order No. 1 – Annex A**

<b>Period of Time</b>	<b>Party / Tribunal</b>	<b>Description</b>
+30 days from the Tribunal's Decision concerning applications from Non-Disputing Parties	Non-Disputing Parties	Deadline to file Non-Disputing Party submission
+ 21 days from the Ruling on Parties' Requests for Production of Documents	Parties	Document Production in accordance with the Tribunal's Rulings
+140 days from the Memorial on Jurisdictional Objections and Counter-Memorial on the Merits	Claimant	Reply on the Merits and Counter-Memorial on Jurisdiction
+140 days from the Counter-Memorial on Jurisdictional Objections and Reply on the Merits	Respondent	Rejoinder on the Merits and Reply on Jurisdiction
+60 days from Reply on Jurisdictional Objections and Rejoinder on the Merits	Claimant	Rejoinder on Jurisdiction
+45 days before the Hearing	Claimant & Respondent	Witness notification
+30 days before the Hearing	All	Pre-Hearing Organizational Meeting
within 60 to 120 days from Rejoinder on Jurisdictional Objections	All	Hearing

**Annex B – Model Redfern Schedule**

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**INTERNATIONAL CENTRE FOR THE SETTLEMENT OF INVESTMENT DISPUTES**

**ICSID**

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ECO ORO MINERALS CORP.

*Claimant*

v.

REPUBLIC OF COLOMBIA

*Respondent*

**ICSID Case No. ARB/16/41**

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**CLAIMANT'S/RESPONDENT'S REQUEST FOR PRODUCTION OF DOCUMENTS  
(REDFERN SCHEDULE)**

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**XX MONTH YYYY**



**Procedural Order No. 1 – Annex B**  
**CLAIMANT’S/RESPONDENT’S REDFERN SCHEDULE**

Row	Documents or Category of Documents Requested	Statement of Relevance/Materiality		Answer / Objections to the Request to Produce	Reply to Objections to the Request to Produce	Tribunal’s Decision
		Reference to Memorials, Annexes, Witness Statements, or Expert Reports	Comments			
1						
2						
3						
4						
5						
6						
7						
8						
9						