

**IN THE MATTER OF AN ARBITRATION UNDER CHAPTER ELEVEN OF  
THE NORTH AMERICAN FREE TRADE AGREEMENT AND THE UNCITRAL  
ARBITRATION RULES**

BETWEEN:

**LONE PINE RESOURCES INC.**

**Claimant**

AND

**GOVERNMENT OF CANADA**

**Respondent**

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**PROCEDURAL ORDER NO. 1**

**11 March 2015**

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**ARBITRAL TRIBUNAL:**

**Mr. V.V. Veeder (President)  
Professor Brigitte Stern  
Mr. David Haigh**

1. This first procedural order sets out the procedural rules to which Lone Pine Resources Inc. (the "Claimant") and the Government of Canada (the "Respondent") (collectively, the "disputing parties") have agreed, and the Tribunal has determined, shall govern this arbitration.

## **I. THE TRIBUNAL AND REPRESENTATION**

### **A. Constitution of the Tribunal**

2. The disputing parties agree and confirm that the Tribunal has been duly constituted in accordance with Article 1123 of the NAFTA.
3. The disputing parties declare that they have received and considered the Statement of Independence and Impartiality of every Arbitrator and confirm that they waive any possible objection to the constitution of the Tribunal and to the appointment of the Arbitrators on the grounds of conflict of interest and/or lack of independence or impartiality in respect of matters known to them at the date of this Procedural Order.
4. In order for the Arbitrators to continue to fulfill their disclosure obligations, the Tribunal seeks the cooperation of each disputing party in promptly drawing to the Tribunal's attention any such circumstances known to that disputing party in respect of which it considers that further information would be appropriate as soon as such circumstances become known to that disputing party.
5. Each arbitrator is and shall remain at all times impartial and independent of the disputing parties. The Tribunal will apply the IBA Guidelines on Conflict of Interest as published in 2004.

### **B. Contact Details of Tribunal**

6. Contact details of each arbitrator are as follows:

**Mr. V.V. Veeder** (President)  
24 Lincoln's Inn Fields  
London WC2A 3EG  
United Kingdom  
Tel: + 44 (0)20 7813 8000  
Fax: + 44 (0)20 7813 2024  
Email: vvveeder@londonarbitrators.net

**Professor Brigitte Stern**  
7, rue Pierre Nicole  
75005, Paris  
France  
Tel: + 33 (0)1 40 46 93 79  
Fax: + 33 (0)1 40 46 96 98  
Email: Brigitte.Stern@univ-paris1.fr

**Mr. David Haigh**

Burnet, Duckworth & Palmer LLP  
2400, 525 - 8th Avenue S.W.  
Calgary, AB T2P 1G1  
Tel: +1 403 260 0135  
Fax: +1 403 260 0332  
Email: drh@bdplaw.com

**C. Representation of the Disputing Parties**

7. The Claimant, Lone Pine Resources Inc., is represented by:

Milos Barutciski  
Maureen Ward  
Sabrina A. Bandali

Bennett Jones LLP  
3400 One First Canadian Place, P.O. Box 130  
Toronto, ON M5X 1A4  
Canada

8. The Respondent, Government of Canada, is represented by:

Sylvie Tabet, Director and General Counsel  
Jean-François Hébert, Counsel  
Reuben East, Counsel  
Jasmine Wahhab, Counsel  
Maxime Dea, Counsel  
Louis-Philippe Coulombe, Counsel  
Julien Sylvestre Fleury, Counsel

Trade Law Bureau (JLT)  
Foreign Affairs, Trade and Development Canada  
125 Sussex Drive  
Ottawa, ON K1A 0G2  
Canada

9. Email distribution list:

Milos Barutciski,  
Email: barutciskim@bennettjones.com  
Counsel  
Bennett Jones LLP

Maureen Ward  
Email: wardm@bennettjones.com  
Counsel  
Bennett Jones LLP

Sabrina A. Bandali  
Email: bandalis@bennettjones.com  
Counsel  
Bennett Jones LLP

Sylvie Tabet  
Email: sylvie.tabet@international.gc.ca  
General Counsel and Director  
Trade Law Bureau, Government of Canada

Jean-François Hébert  
Email: jean-francois.hebert@international.gc.ca  
Counsel  
Trade Law Bureau, Government of Canada

Cheryl Fabian-Bernard  
Email: cheryl.fabian-bernard@international.gc.ca  
Paralegal  
Trade Law Bureau, Government of Canada

10. Each disputing party shall promptly notify the other disputing party, the Tribunal, and the Administrative Authority in writing of any change or addition to its representatives listed above.

## **II. ADMINISTRATIVE SERVICES, FEES AND EXPENSES OF THE TRIBUNAL, AND PAYMENTS**

### **A. Administrative Authority**

11. The Secretariat of the International Centre for the Settlement of Investment Disputes (“ICSID”) shall act as the administrative authority (“the Administrative Authority”) in this arbitration under the following terms:
  - (a) The Administrative Authority shall manage deposits made by the disputing parties to cover the costs of the arbitration, under the Tribunal’s supervision;
  - (b) The Administrative Authority shall maintain an archive of filings and submissions;
  - (c) Costs of catering, court reporting, or any other technical support associated with hearings or meetings shall be borne by the disputing parties;
  - (d) The Administrative Authority shall provide such other administrative services as the Tribunal may direct; and
  - (e) Work carried out by the Administrative Authority shall be paid in accordance with the *ICSID Schedule of Fees* annexed to this Procedural Order. The

Administrative Authority's fees and expenses shall be paid in the same manner as the Tribunal's fees and expenses, in accordance with paragraphs 13 to 18 below.

12. The contact details of the Administrative Authority are as follows:

International Centre for the Settlement of Investment Disputes – World Bank

MSN J-2-200

1818 H Street, N.W.

Washington, D.C. 20433

United States of America

Tel.: +1 (202) 473-5018

Fax.: +1 (202) 522-2615

Email: aantonietti@worldbank.org

Attn: Aurélia Antonietti, Secretary of the Tribunal

**B. Fees and Expenses**

13. Fees and expenses of each Arbitrator shall be paid and claimed according to Article 14 of the *ICSID Administrative and Financial Regulation*, of the *Memorandum on the Fees and Expenses of ICSID Arbitrators*, published on July 6, 2005 and annexed to this Procedural Order, and of the *ICSID Schedule of Fees*.

**C. Apportionment of Costs and Advance Payments**

14. Without prejudice to the final decision of the Tribunal regarding costs, the Claimant and the Respondent agree to share equally all payments for the Tribunal and of the Administrative Authority. Upon the issuance of an award, the Tribunal may apportion the costs of the arbitration differently between the disputing parties if it determines apportionment is reasonable under the circumstances of the award.
15. Each disputing party shall make an initial advance payment of USD \$100,000 to be sent to the Administrative Authority by 12 March 2015.
16. The Administrative Authority will review the adequacy of the deposit from time to time and, at the request of the Tribunal, may invite the disputing parties to make supplementary deposits.
17. When making a request for a supplementary deposit, or upon the request of a disputing party, the Administrative Authority shall provide the disputing parties with a statement of accounts detailing the fees and expenses of the Tribunal and the Administrative Authority to date.
18. The unused balance held on deposit at the end of the arbitration shall be returned to the Parties as directed by the Tribunal.

### **III. PLACE OF ARBITRATION AND LOCATION OF HEARINGS**

19. The place of arbitration is Ottawa.
20. The Tribunal shall conduct its hearings in a location to be determined by the Tribunal in a subsequent procedural order. Meetings may be held at other locations if so ordered by the Tribunal, after consultation with the disputing parties.

### **IV. GOVERNING LAW**

21. Article 1131 of the NAFTA sets out the governing law for this dispute.

### **V. APPLICABLE ARBITRATION RULES**

22. As agreed by the disputing parties, the applicable arbitration rules are the *UNCITRAL Arbitration Rules*, as revised in 2010 and as adopted in 2013, except to the extent that they conflict with or are modified by Section B of Chapter 11 as per NAFTA Article 1120(2) or this Procedural Order.
23. If these provisions and rules do not address a specific procedural issue, the Tribunal shall, after consultation with the disputing parties, determine the applicable procedure.

### **VI. LANGUAGE OF ARBITRATION AND TRANSLATION**

24. English and French are the languages of the arbitration, in accordance with the Tribunal's Procedural Order on Two Disputed Issues dated 6 February 2015.

### **VII. CONFIDENTIALITY**

25. The Tribunal's Confidentiality Order dated 11 March 2015, applies to these proceedings.

### **VIII. DECISIONS OF THE TRIBUNAL**

#### **A. Quorum and Replacement of Arbitrators**

26. The presence of all three arbitrators shall constitute a quorum and shall be required to conduct proceedings unless the disputing parties agree otherwise.
27. In the event of the death, incapacity or resignation of a member of the Tribunal, the remaining arbitrators may proceed to decide procedural matters. The remainder of the proceedings shall be suspended until the vacancy has been filled.

#### **B. Decisions of the Tribunal**

28. Subject to paragraph 27, the Tribunal shall make any award or other decision by a majority of its members. The Tribunal may make decisions by any means of

communication, provided that all arbitrators are consulted and take part in the decision.

29. In exceptional circumstances, including cases of urgency, the presiding arbitrator may decide procedural or non-substantive matters alone. However, the presiding arbitrator shall attempt to consult the other members of the Tribunal whenever possible.
30. All awards and decisions shall be deemed to be made at the place of arbitration, regardless of where the award or decision is signed.
31. Any Order of the Tribunal may, at the request of a disputing party or at the Tribunal's own initiative, be varied if the circumstances so require.

**C. Schedule of Proceedings**

32. The disputing parties may amend this schedule on consent. To the extent the disputing parties disagree on any proposed adjustments, the Tribunal shall issue a ruling.

	<b>Action</b>	<b>Date</b>
1.	Respondent's Response to Notice of Arbitration	27 February 2015
2.	Claimant's Memorial	6 weeks from Step #1 10 April 2015
3.	Respondent's Counter-Memorial	15 weeks from Step #2 24 July 2015
4.	Simultaneous requests for document production exchanged between the disputing parties on the basis of relevance and materiality	4 weeks from Step #3 21 August 2015
5.	Simultaneous objections to production requests	2 weeks from Step #4 4 September 2015
6.	Consultation between the parties re objections	1 week of consultation 4 to 11 September 2015
7.	Simultaneous responses to objections submitted to Tribunal	At end of consultation 11 September 2015
8.	Tribunal's Order on Production	2 weeks from Step #7 25 September 2015
9.	Document production and simultaneous submission of privilege logs	6 weeks from Step #8 6 November, 2015

10.	Simultaneous objections on privilege	2 weeks from Step #9 20 November 2015
11.	Simultaneous responses to objections on privilege	1 week from Step #10 27 November 2015
12.	Tribunal's Order on Privilege	1 week from Step #11 4 December 2015
13.	Document production (if any) pursuant to the Tribunal's Order on Privilege	2 weeks from Step #12 18 December 2015
14.	Claimant's Reply	8 weeks from Step #13 12 February 2016
15.	Respondent's Rejoinder	8 weeks from Step #14 8 April 2016
16.	NAFTA Article 1128 Submissions and Non-Disputing party ( <i>amicus</i> ) Applications for Leave to file Submissions	3 weeks from Step #15 29 April 2016
17.	Parties' Reply to Non-Disputing party ( <i>amicus</i> ) Applications for Leave	3 weeks from Step #16 20 May 2016
18.	Tribunal Decision on ( <i>amicus</i> ) Applications for Leave to File Non-Disputing Party Submissions	3 weeks from Step #17 10 June 2016
19.	Parties' comments on NAFTA Article 1128 and/or Non-Disputing party ( <i>amicus</i> ) Submissions	4 weeks from Step #17 8 July 2016
20.	Pre-Hearing Teleconference	5 August 2016
21.	Hearing (10 days reserved)	5 to 16 September 2016

**D. Motions Procedure**

33. All motions shall be made in writing. Unless otherwise ordered by the Tribunal, the other disputing party shall have 10 business days, not including the day on which the request was made, to reply in writing. The Tribunal shall direct the disputing parties if further submissions or a hearing is required before it renders a decision on the motion.

**E. Notifications and Communications**

34. Subject to Section IX.A below (Service of Documents and Copies of Instruments), all notifications and communications by the disputing parties and by the Tribunal, except for Awards, shall be made by email.

35. Each disputing party shall address all communications to the Tribunal, as well as all submissions and attached documents directly to each arbitrator, with a copy to the other disputing party (as indicated in the email distribution list) and the Administrative Authority.

## **IX. SERVICE AND RECORD OF HEARINGS**

### **A. Service of Documents and Copies of Instruments**

36. The Administrative Authority shall create and maintain an electronic data room which shall remain available to the disputing parties and the Tribunal until such date as the Tribunal orders. Such date shall be no earlier than three months from the date of the final award or the date on which revision, set aside or annulment proceedings have been completed.
37. The disputing parties shall upload to the electronic data room all submissions, including pleadings and memorials, witness statements, expert reports, exhibits and legal authorities (in MS Word format or “searchable” PDF format, except legal authorities which need not be in “searchable” format).
38. After uploading documents to the electronic data room, a disputing party shall promptly send a notice by email to each Arbitrator, the Administrative Authority and to the persons listed in the email distribution list in paragraph 9 of this Order notifying them of the upload.
39. The disputing parties shall also send one paper copy of their submissions (excepting legal authorities) on which they rely to each disputing party, each Arbitrator, and the Administrative Authority by courier, within three business days after the relevant due date (as evidenced by the postmark).
40. The official date of receipt of a pleading or communication shall be the day on which the email notification of the upload to the electronic data room is sent to the Tribunal and the Administrative Authority. A filing shall be deemed timely if the filing has been uploaded to the electronic data room and the email notification is sent by a disputing party by midnight (Eastern Standard Time) on the relevant date.
41. The disputing parties shall identify each exhibit submitted to the Tribunal with a distinct number. Each exhibit submitted by the Claimant shall commence with the letter “C” followed by the applicable consecutive number (i.e. C-1, C-2). Each exhibit submitted by the Respondent shall commence with the letter “R” followed by the applicable consecutive number (i.e. R-1, R-2).
42. The disputing parties shall identify each legal authority submitted to the Tribunal with a distinct number as follows. Each legal authority submitted by the Claimant shall commence with the letters “CLA” followed by the applicable consecutive number (i.e. CLA-1, CLA-2). Each legal authority submitted by the Respondent shall commence with the letters “RLA” followed by the applicable consecutive number (i.e. RLA-1, RLA-2).

43. The disputing parties shall identify each witness statement submitted to the Tribunal as follows. Each witness statement submitted by the Claimant shall commence with the letters “CWS” followed by the applicable consecutive number and the surname of the witness (e.g. CWS-1 [surname of witness]; CWS-2 [surname of witness]). Each witness statement submitted by the Respondent shall commence with the letters “RWS” followed by the applicable consecutive number and the surname of the witness (e.g. RWS-1 [surname of witness]; RWS-2 [surname of witness]). Where a witness submits more than one statement, his or her subsequent witness statement shall be designated alphabetically (e.g. "CWS-1(A) [surname of witness]"; "CWS-1(B) [surname of witness]").

**C. Record of Hearings**

44. Oral hearings before the Tribunal shall be transcribed. Procedural or organizational meetings with the Tribunal may be transcribed or recorded.
45. Live Note transcription software, or comparable software, shall be used to make the hearing transcripts instantaneously available to the disputing parties and to the arbitrators in the hearing room. The disputing parties further agree that transcripts of proceedings should be made available on a same day service basis, except for one-day or procedural hearings which may have a slower transcription.
46. The Tribunal shall establish, as necessary, procedures and schedules for the correction of transcripts. In the event of disagreement between the disputing parties on corrections to transcripts, the Tribunal shall determine whether or not any such corrections are to be adopted.

**X. SUBMISSIONS AND HEARINGS**

**A. Pleadings**

47. In accordance with paragraph 32 of this Order, the Respondent shall submit a Response to the Claimant’s Notice of Arbitration. This Response shall include a response to the description of the claim set forth in the notice of arbitration, and a request for relief.
48. Neither a Statement of Claim nor a Statement of Defence shall be required.
49. The disputing parties shall set out in the Memorial and Counter-Memorial their full case, which will be accompanied by all witness statement(s), expert report(s), document(s) and/or other evidence, and legal authorities, on which the disputing parties rely. The Reply and Rejoinder may only contain evidence that is responsive to the other disputing party’s last preceding submission or matters raised in submissions from NAFTA Parties or Third Parties.
50. Documentary evidence submitted to the Tribunal, including evidence submitted in the form of copies, shall be deemed true and complete unless a disputing party disputes its authenticity or completeness. Copies of documents need not be

certified, unless there is a challenge by the other disputing party and the Tribunal deems the certification necessary.

**B. Access to Oral Hearings and Documents**

51. Except where the protection of confidential information is necessary, hearings on the merits shall be made public through teleconference in closed circuit, in a room different than the one where the hearing is held. In this case, necessary measures, such as deferred broadcasting of the hearing, shall be taken to ensure the protection of confidential information.
52. Notwithstanding paragraph 51, representatives of the disputing parties and their counsel, representatives of the government of Québec and their counsel, as well as the non-disputing NAFTA Parties, shall, at all times, have access to oral hearings in the room where the hearings are being held, and are entitled to receive, in a timely fashion, a copy of confidential versions of transcripts, written submissions and exhibits, including witness statements and expert reports.

**C. Conservation of the Record**

53. Each disputing party may retain one complete copy of the record, including confidential information.
54. All other documentation relating to this matter must be returned to the respective disputing party or otherwise destroyed within 6 months of the date the Award was rendered or the date of a final decision of a court that dismisses or allows an application to revise, set aside or annul the Award, whichever date is later. The arbitrators shall be at liberty to dispose of the record of the arbitration, unless the disputing parties request the documents be returned to them which will be done at the expense of the requesting disputing party.
55. The Administrative Authority shall keep a copy of the record of the arbitration and archive it for a period of 6 months from the date the Award was rendered or the date of a final decision of a court that dismisses or allows an application to revise, set aside or annul the Award, whichever date is later. Upon expiration of this delay, the Administrative Authority shall ensure that the record is returned to the disputing parties, upon their request and at their expense, or otherwise destroyed.

**D. Dates of Subsequent or Additional Meetings**

56. The Tribunal shall decide the date of any subsequent or additional meetings in consultation with the disputing parties.

**E. Third Party Participation**

57. The Parties agree that a non-disputing party that is a person of a Party to the NAFTA, or that has a significant presence in the territory of a Party to the

NAFTA, (a "Third Party") and that wishes to file a written submission with the Tribunal, may apply for leave from the Tribunal to file such a submission.

58. Such a request is governed by Section B (Procedures) of the NAFTA Commission Joint Statement on non-disputing party participation published on October 7, 2003.

**F. Article 1128-NAFTA Party Participation**  
(NAFTA Articles 1127, 1128 and 1129)

59. The non-disputing NAFTA Parties shall be made aware of the Confidentiality Order and shall treat all information from the Respondent as if they were a disputing party, as provided by Article 1129(2) of the NAFTA, notably in respect of the protection of confidential information.

**G. Document Production**

60. The disputing parties may request documents from each other. The disputing parties shall file their document requests in the form of a Redfern Schedule (in both MS Word and PDF formats) comprising four columns:

- (1) Identification of the documents or category of documents that have been requested;
- (2) Rationale for each request;
- (3) Summary of objections by the disputing party to the production of the requested document(s); and
- (4) Decision of the Tribunal.

The Objections column shall be completed at the time of the filing of the objections to production. The Reasons column may be supplemented at the time of the responses to objections.

61. Any document request noted in column 1 shall identify a specific document or a narrow and specific category of documents and establish the relevance of each document or category of documents.
62. The disputing parties shall submit their document requests simultaneously.
63. The disputing parties may refer any dispute over document production to the Tribunal.
64. The Tribunal may order one disputing party to disclose to the other Disputing party documents or limited categories of documents. In the exercise of its discretion, the Tribunal shall have regard to the specificity of the request, the relevance of the requested documents, whether they are in the care, custody and control of the disputing party from whom they are requested, the legitimate interest of the opposing disputing party, including any applicable privileges,

whether the requested documents are publicly available and accessible by both disputing parties, and any other factors the Tribunal reasonably considers to apply under the circumstances.

65. Documents so communicated shall not be considered on record unless and until either one of the disputing parties subsequently produces them.
66. Documents communicated in response to such requests shall be uploaded to a section of the electronic data room that cannot be accessed by the Arbitrators. The documents shall be uploaded by the date set by the Tribunal. All documents communicated shall be clearly labelled with a unique identifying number. The disputing parties are not required to send hard copies.
67. The Tribunal may order a disputing party to produce documents at any time during the proceedings, in accordance with terms and time limits that it indicates.

## **XI. EVIDENTIARY ISSUES**

### **A. Guidelines**

68. The disputing parties agree that, except as otherwise specified by the terms of this Procedural Order and the Confidentiality Order, provisions of the *International Bar Association's Rules on the Taking of Evidence* ("*IBA Rules*") shall be consulted as guidelines on:
  - (a) The exchange of documents (Article 3 of the *IBA Rules*);
  - (b) The presentation of evidence by fact and expert witnesses (Articles 4 and 5 of the *IBA Rules*);
  - (c) On site inspection (Article 7 of the *IBA Rules*);
  - (d) The conduct of the evidentiary hearing (Article 8 of the *IBA Rules*); and
  - (e) The admissibility and assessment of evidence (Article 9 of the *IBA Rules*).

### **B. Fact Witnesses**

69. Any person may present evidence as a witness, including a disputing party or its officer, employee or other representative.
70. For each witness, a written and signed witness statement shall be submitted to the Tribunal as set out above, unless the disputing parties cannot obtain such a statement from a witness for a legitimate reason, which such disputing party shall explain to the Tribunal. Each witness statement shall state the witness's name, birth date, present address and involvement in, or relation to, the case and shall be signed by the witness, providing the date and place of signature. Witness statements shall be submitted together with the disputing parties' memorials.

71. By the date set by the Tribunal, each disputing party shall notify the other disputing party, with a copy to the Tribunal and Administrative Authority, which witnesses of the opposing disputing party it wishes to cross-examine at the hearing. The Tribunal will then indicate if it wishes to question any witness not called by the disputing parties. Not later than 10 business days following the due date established by the Tribunal, each disputing party shall indicate to the other disputing party and to the Tribunal in which language of the arbitration each of its witnesses wishes to be examined or cross-examined. When the other disputing party has waived cross-examination of a witness or expert, and the Tribunal does not direct or allow his or her appearance, the Tribunal may consider the witness statement of the witness.
72. Witnesses shall be examined in person except in exceptional circumstances as determined by the Tribunal.
73. Each disputing party shall be responsible for summoning its own witnesses to an oral hearing, except when the other disputing party has waived cross-examination of a witness or expert and the Tribunal does not direct his or her appearance.
74. Each disputing party shall advance the costs of appearance of its own witnesses. The Tribunal will decide upon the appropriate allocation of such costs in its final award.
75. If a witness fails to appear when first summoned to a hearing, the Tribunal may summon the witness to appear a second time if it is satisfied that there was a valid reason for the first failure to appear and that the testimony of the witness is relevant.
76. The Tribunal may consider the witness statement of a witness who provides a valid reason for failing to appear when summoned to a hearing or whose cross-examination has been waived, having regard to all the surrounding circumstances. The Tribunal shall not consider the witness statement of a witness who fails to appear or whose cross-examination has not been waived, and does not provide a valid reason.
77. The direct examination is given in the form of witness statements. However, the disputing party presenting the witness may conduct a brief direct examination, in accordance with paragraph 79 below.
78. At oral hearings, the examination of each witness shall proceed as follows:
  - (i) the disputing party summoning the witness may briefly examine the witness for the purpose of introducing the witness, correcting, if necessary, any errors in the witness statement and addressing matters after the witness statement was given, if any;
  - (ii) the adverse disputing party may then cross-examine the witness; the scope of the cross-examination shall be limited to the content of the witness' statement or to any other fact that is within the witness'

personal knowledge, and is relevant and material to the issues in the case;

- (iii) the disputing party summoning the witness may then re-examine the witness with respect to any matters or issues arising out of the cross-examination, with re-cross examination to be granted only with leave from the Tribunal; and
- (iv) the Tribunal may examine the witness at any time, either before, during or after examination by one of the disputing parties.

79. A fact witness (as opposed to an expert witness) shall not be present in the hearing room during the hearing of oral testimony, or read any transcript of any oral testimony, prior to his or her examination, except with the express permission of the Tribunal after consultations with the disputing parties. This condition does not apply to expert witnesses, or representatives of a disputing party or of the Government of Québec. For good cause, the Tribunal may change this rule.
80. It shall not be improper for counsel to meet witnesses and potential witnesses to establish the facts, prepare the witness statements, and prepare the examinations. Once direct examination begins, a witness shall remain sequestered from counsel until his or her testimony is complete.

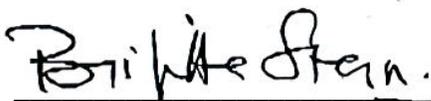
**C. Expert Witnesses**

81. Each disputing party may retain and submit the evidence of one or more experts to the other disputing party, the Administrative Authority and to the Tribunal. Expert reports shall be accompanied by any documents or information upon which they seek to rely, unless such documents or information have already been submitted as exhibits to the disputing parties' memorials, in which case reference to such exhibits shall be sufficient. In addition, each expert reports shall include a statement of qualifications of the expert in the claimed area of expertise and a current *curriculum vitae* evidencing such qualifications. The procedural rules set out above in paragraphs 72 to 81 (witnesses) shall apply to the evidence of experts.

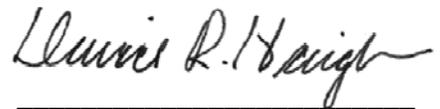
This Procedural Order is issued in the Place of Arbitration, this 11 March 2015. Upon consultation with the disputing parties and for good cause, the Tribunal may at any time amend this Procedural Order.



Mr. V.V. Veeder  
President



Professor Brigitte Stern  
Arbitrator



Mr. David Haigh  
Arbitrator