

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**Amec Foster Wheeler USA Corporation, Process Consultants, Inc., and Joint Venture
Foster Wheeler USA Corporation and Process Consultants, Inc.**
Applicants

v.

Republic of Colombia
Respondent on Annulment

**(ICSID Case No. ARB/19/34)
Annulment Proceeding**

PROCEDURAL ORDER NO. 1

Members of the ad hoc Committee

Prof. Dário Moura Vicente, President of the *ad hoc* Committee
Prof. Álvaro Rodrigo Castellanos Howell, Member of the *ad hoc* Committee
Mr. Antonio Hierro Hernández-Mora, Member of the *ad hoc* Committee

Secretary of the ad hoc Committee

Ms. Marisa Planells-Valero

September 24, 2025

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Introduction

The first session of the *ad hoc* Committee (the “Committee”) was held on September 18, 2025, at 10:00 a.m. EDT by video conference. The session was adjourned at 11:10 a.m. EDT.

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

Participating in the session were:

Members of the Committee:

Prof. Dário Moura Vicente, President of the Committee
Prof. Álvaro Rodrigo Castellanos Howell, Member of the Committee
Mr. Antonio Hierro Hernández-Mora, Member of the Committee

ICSID Secretariat:

Ms. Marisa Planells-Valero, Secretary of the Committee

On behalf of Applicants:

Mr. Charles C. Conrad, Pillsbury Winthrop Shaw Pittman LLP
Mr. Robert L. Sills, Pillsbury Winthrop Shaw Pittman LLP
Mr. Richard Deutsch, Pillsbury Winthrop Shaw Pittman LLP
Mr. Martín Ruiz García, Pillsbury Winthrop Shaw Pittman LLP

On behalf of Respondent on Annulment:

Mr. Yebraíl Andrés Haddad Linero, Agencia Nacional de Defensa Jurídica del Estado de la República de Colombia
Mr. Andrés Darío Sarmiento Lamus, Agencia Nacional de Defensa Jurídica del Estado de la República de Colombia
Mr. Santiago Díaz Cediél, Agencia Nacional de Defensa Jurídica del Estado de la República de Colombia
Mr. Juan Sebastián Torres Oliver, Agencia Nacional de Defensa Jurídica del Estado de la República de Colombia
Dr. Claudia Frutos-Peterson, Curtis, Mallet-Prevost, Colt & Mosle LLP
Ms. Elisa Botero, Curtis, Mallet-Prevost, Colt & Mosle LLP
Mr. Fernando Tupa, Curtis, Mallet-Prevost, Colt & Mosle LLP
Ms. Marija Ozolins, Curtis, Mallet-Prevost, Colt & Mosle LLP
Mr. Maxime Chevalier, Curtis, Mallet-Prevost, Colt & Mosle LLP

The Committee and the parties considered the following:

- The Draft Procedural Order circulated by the Secretary of the Committee on August 7, 2025; and
- The parties' comments on the Draft Procedural Order received on August 27, 2025, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.
- The revised Draft Procedural Order No. 1 transmitted by the Committee on September 4, 2025, the Respondent's additional comments of September 12, 2025, and the Applicants' additional comments of September 15, 2025.

Having considered the above documents and the parties' views, the Committee now issues the present Order:

Order

Pursuant to ICSID Arbitration Rules 19, 20 and 53, this Procedural Order sets out the Procedural Rules that govern this annulment proceeding. A timetable is attached as **Annex B**.

1. **Applicable Arbitration Rules**

Convention Article 44; Arbitration Rule 53

- 1.1. This proceeding is conducted in accordance with the ICSID Arbitration Rules in force as of 10 April 2006. In accordance with Arbitration Rule 53, the Arbitration Rules apply, *mutatis mutandis*, to annulment proceedings.

2. **Constitution of the Committee and Committee Members' Declarations**

Convention Article 52(3); Arbitration Rules 6 and 52

- 2.1. The Committee was constituted on 29 July 2025, in accordance with the ICSID Convention and the ICSID Arbitration Rules. The parties confirmed that the Committee was properly constituted and that no party has any objection to the appointment of any Member of the Committee.
- 2.2. The Members of the Committee 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 29 July 2025.
- 2.3. The Members of the Committee confirmed that they have sufficient availability to dedicate to this case.

3. Fees and Expenses of Committee Members

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

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

4. Presence and Quorum

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

- 4.1. The presence of all Members of the Committee constitutes a quorum for its sittings, including by any appropriate means of communication.

5. Rulings of the Committee

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

- 5.1. Decisions of the Committee shall be taken by a majority of the Members of the Committee.
- 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 Committee.
- 5.3. The Committee will draft and issue all rulings, including its final decision, within a reasonable time. If a ruling has not been issued within four months after the final submission on a particular matter, the Committee will provide the parties with status updates every month.
- 5.4. The President is authorized to sign Procedural Orders on behalf of the Committee.
- 5.5. The Committee's rulings on procedural matters may be communicated to the parties by the Committee Secretary electronically by letter or email.
- 5.6. Any ruling of the Committee, including the certified copy of the decision on annulment, will be dispatched electronically to the parties.

6. Power to Fix Time Limits

Arbitration Rule 26(1)

- 6.1. The President may fix and extend time limits for the completion of the steps in the proceeding.

- 6.2. In exercising this power, the President shall consult with the other Members of the Committee. 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 Committee.
- 6.3. The parties agree that a time limit shall be satisfied if a procedural step is taken or a document is received by the Secretary-General on the relevant date, or on the subsequent business day if the date falls on a Saturday or Sunday. A time limit shall be computed from the date on which the limit is announced, with the day of such announcement being excluded from the calculation.

7. Secretary of the Committee

Administrative and Financial Regulation 28

- 7.1. The Secretary of the Committee is Ms. Marisa Planells-Valero, Legal Counsel, ICSID, or such other person as ICSID may notify the Committee 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:

Ms. Marisa Planells-Valero
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
USA
Tel.: + 1 (202) 458-9273
Fax: + 1 (202) 522-2615
Email: mplanellsvalero@worldbank.org
ICSID case address: ARB/19/34/annulment1@icsidcases.worldbank.org

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

Ms. Marisa Planells-Valero
ICSID
1225 Connecticut Ave. N.W.
(World Bank C Building)
3rd Floor - MSN C300
Washington, D.C. 20036
U.S.A.
Tel.: +1 (202) 458-1534

8. Representation of the Parties

Arbitration Rule 18

- 8.1. Each party shall be represented by its counsel (below) and may designate additional agents, counsel, or advocates by notifying the Committee and the Committee Secretary promptly of such designation.

For Applicants on Annulment

Mr. Robert L. Sills
Mr. Martín Ruiz García
Pillsbury Winthrop Shaw Pittman LLP
31 West 52nd Street
New York, NY 10019, USA
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For Respondent on Annulment

Mr. César Palomino Cortés
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mozolins@curtis.com;
mchevalier@curtis.com

8.2. Amec Foster Wheeler USA Corporation, Process Consultants, Inc., and Joint Venture Foster Wheeler USA Corporation and Process Consultants, Inc. will be designated as the Claimants and Republic of Colombia will be designated as the Respondent, as in the original arbitration proceeding. The party that filed the Application for Annulment, Amec Foster Wheeler USA Corporation, Process Consultants, Inc., and Joint Venture Foster Wheeler USA Corporation and Process Consultants, Inc., may also be referred to as the Applicants.

9. Apportionment of Costs and Advance Payments to ICSID
Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 28

9.1. In accordance with Administrative and Financial Regulation 15(5), the Applicants, in this case Amec Foster Wheeler USA Corporation, Process Consultants, Inc., and Joint Venture Foster Wheeler USA Corporation and Process Consultants, Inc., shall be solely responsible for making the advance payments requested by the ICSID Secretariat to cover the direct costs of the proceeding, without prejudice to the final decision of the Committee as to the allocation of costs.

9.2. By letter of 29 April 2025, ICSID requested the Applicants to make an advance payment of US\$150,000 to cover the initial costs of the proceeding. ICSID received the Applicant's payment on 2 June 2025.

9.3. ICSID shall request further advances from the Applicants as needed. Such requests shall be accompanied by a detailed interim statement of account.

10. Place of Proceeding
Convention Articles 62 and 63; Arbitration Rule 13(3)

10.1. Washington D.C., United States of America, shall be the place of the proceeding.

10.2. The Committee may hold in-person hearings at any other place that it considers appropriate if the parties so agree.

10.3. The Committee Members may deliberate at any place and by any appropriate means they consider convenient.

11. Procedural Language(s), Translation and Interpretation
Arbitration Rules 20(1)(b) and 22

[General aspects]

- 11.1. English and Spanish are the procedural languages of this annulment proceeding.
- 11.2. Routine, administrative, or procedural correspondence, including written requests addressed to, or sent by, the ICSID Secretariat shall be in English.
- 11.3. Each party is free to select which of the two procedural languages it will use in the oral parts of the proceeding, including the hearing and any meeting or conference call with the Committee. Simultaneous interpretation into the other language will be made available whenever necessary.

[For Committee's Documents]

- 11.4. The Committee may initially make any procedural order in one language and subsequently issue that procedural order in the other. Both language versions shall be equally authentic.
- 11.5. The Committee shall render its Decision on Annulment in English and Spanish simultaneously. Both language versions shall be equally authentic.

[For Parties' Pleadings]

- 11.6. Pleadings may be submitted in either procedural language, provided that a translation of any such pleadings to the other procedural language shall be filed within 14 calendar days thereafter.
- 11.7. Expert reports and witness statements (if any) shall be submitted in one procedural language, provided that a translation to the other procedural language is filed within 14 calendar days of the date of the original submission.
- 11.8. Legal authorities and fact exhibits introduced in the file pursuant to the procedure provided for in § 15.4 shall be submitted in either procedural language, without the need for translation into the other language. The parties shall be free, if they so desire, to submit courtesy translations into English or Spanish of any legal authorities. In case of any inconsistencies, the original-language versions shall prevail.
- 11.9. Each party shall bear its own translation costs.

- 11.10. Documents filed in a language other than English or Spanish must be accompanied by a translation into one of these languages.
- 11.11. If the document is lengthy and relevant only in part, it is sufficient to translate only relevant parts, provided that the Committee may require a fuller or a complete translation at the request of any party or on its own initiative.
- 11.12. Translations need not be certified unless there is a dispute as to the translation provided and the party disputing the translation specifically requests a certified version.

[For Hearing]

- 11.13. The hearing shall be conducted in either of the two procedural languages, with simultaneous interpretation into the other procedural language made available.
- 11.14. If any witness or expert called for examination during the annulment hearing has filed an original witness statement or expert report in Spanish, any oral testimony presented by that witness or expert may be given in Spanish at the option of such witness or expert, provided further that due notice of his or her intent to do so is given in accordance with §11.15 hereof. With respect to the examination of such a witness or expert, each examiner shall have the option of examining him or her in Spanish or English, with simultaneous translation from English to Spanish or Spanish to English, as the case may be. Transcripts of the whole hearing shall be taken in both languages.
- 11.15. The parties will notify the Committee as soon as possible, and no later than at the pre-hearing organizational meeting, in which language each witness or expert, if any, will give evidence.
- 11.16. The costs of interpretation will be paid from the advance payments made to ICSID, without prejudice to the decision of the Committee as to which party shall ultimately bear those costs.

12. Routing of Communications

- 12.1. The ICSID Secretariat shall be the channel of written communications between the parties and the Committee.
- 12.2. Each party's written communications shall be transmitted by email or other electronic means to the opposing party and to the Committee Secretary, who shall send them to the Committee.

- 12.3. Electronic versions of communications ordered by the Committee to be filed simultaneously shall be transmitted to the Committee Secretary only, who shall send them to the opposing party and the Committee.
- 12.4. The Committee Secretary shall not be copied on direct communications between the parties when such communications are not intended to be transmitted to the Committee.

13. Number of Copies and Method of Filing of Parties' Pleadings
Arbitration Rules 20(1)(d) and 23

- 13.1. By the relevant filing date, the parties shall:
 - 13.1.1. Submit an electronic file of the pleading (with witness statements and expert reports, if any) and an index of all supporting documentation attached to the pleading by email to the Committee Secretary and the opposing party;¹ and
 - 13.1.2. Within two business days of the electronic filing pursuant to §13.1.1, upload the pleading, with all supporting documentation and updated index to the file sharing platform created by ICSID for purposes of this case.

For the avoidance of doubt, the electronic filing process indicated in this subparagraph is applicable both to the original language submission and to any subsequent translations agreed by the parties.
- 13.2. Electronic versions of pleadings, witness statements, expert reports (if any), exhibits and legal authorities shall be text searchable (i.e., OCR PDF or Word).
- 13.3. All pleadings shall contain consecutively numbered paragraphs and shall be accompanied by a cumulative index of all the supporting documentation that the party has submitted up to the date of the pleading in this proceeding. The index shall follow the naming conventions contained in **Annex A**. Exhibits from the underlying arbitration shall maintain the exhibit number initially assigned to them. No new exhibit number should be assigned to such documents for purposes of the annulment proceeding.
- 13.4. At the conclusion of the written phase of the proceeding, on a date to be determined by the Committee or at any other time determined by the Committee or the ICSID Secretariat, the parties shall upload to the file sharing platform created by ICSID for the purposes of this case an electronic copy of the entire case file. If any member

¹ Please note that the World Bank server does not accept emails larger than 25 MB. Supporting documentation shall be uploaded as individual files, not in .zip format.

of the Committee so requests, a USB drive containing an electronic copy of the entire file shall be delivered to such member at the addresses indicated below.

13.5. The addresses of the Committee Members are as follows:

Prof. Dário Moura Vicente	Prof. Álvaro Rodrigo	Mr. Antonio Hierro
Avenida da República, 43,	Castellanos Howell	Hernández-Mora
6.º Esquerdo	Consortium Centro	C/ Condes del Val 17A
Lisboa 1050-187 Portugal	América Abogados	28036 Madrid
	Diagonal 6 10-01 zona	Spain
	10,	
	Centro Gerencial Las	
	Margaritas	
	Torre II, Oficina 1101,	
	Guatemala City,	
	Guatemala	

13.6. The official date of receipt of a pleading or communication shall be the day on which the electronic file is sent to the Secretary of the Committee by email.

13.7. A filing shall be deemed timely if sent by a party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday, the relevant date is the subsequent business day.

14. Number and Sequence of Pleadings

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

14.1. The proceedings shall follow the agreed schedule set out in Annex B, subject to any amendment agreed by the parties and approved by the Committee.

15. Submission of Documents

Convention Article 44; Arbitration Rule 24

15.1. The Memorial and Counter-Memorial shall be accompanied by the supporting documents relied upon by the parties, including exhibits and legal authorities. Further supporting documents relied upon by the parties in rebuttal shall be submitted with the Reply and Rejoinder.

15.2. Neither party shall be permitted to submit additional or responsive documents after the filing of its last written submission, unless the Committee determines that special circumstances exist based on a timely and reasoned written application followed by observations from the other party.

- 15.3. Given the nature of an annulment proceeding, the Committee expects that the parties will refer primarily to the evidentiary record from the arbitration proceeding and it does not expect to receive new evidence (exhibits, witness statements or expert reports).
- 15.4. Therefore, without prejudice to each party's right to submit new legal authorities, no new evidence shall be admitted in this proceeding, unless the Committee determines that special circumstances exist based on a reasoned written request followed by observations from the other party. Such new evidence must concern the ICSID annulment proceeding, the interpretation of the ICSID Convention, or the legal standards governing the grounds of annulment invoked. Pleadings and correspondence submitted to the Tribunal in the underlying arbitration, as well as decisions issued by the Tribunal, are not new evidence and may be submitted as exhibits to submissions in this proceeding.
- 15.5. Documents shall be submitted in the manner and form set forth in §13.
- 15.6. Any documents introduced as exhibits or legal authorities in the annulment proceeding shall be labelled with numbers, and organized in a clear order:
- 15.6.1. Exhibits and legal authorities already included in the evidentiary record of the underlying arbitration proceeding shall be submitted in PDF format using the same numbering as in the arbitration proceeding (i.e., for the Claimant(s) "C-0001" for factual exhibits and "CL-0001" for legal authorities and for the Respondent "R-0001" for factual exhibits and "RL-0001" for legal authorities).
- 15.6.2. New exhibits admitted in accordance with §15.4 (if any) and legal authorities (if any) shall be numbered consecutively throughout the entire annulment proceeding and labelled according to the naming convention contained in **Annex A**.
- 15.6.3. Any witness statements or expert reports from the underlying arbitration proceeding which are submitted in the annulment proceeding, as well as any new witness statements or expert reports admitted in accordance with §15.4, shall be labelled according to the naming convention contained in **Annex A**.
- 15.6.4. 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.

- 15.6.5. Each exhibit shall have a divider with the exhibit identification number on the tab.
- 15.6.6. Electronic files and the accompanying indexes shall follow the naming conventions contained in **Annex A**.
- 15.7. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a party, in which case the Committee will determine whether authentication is necessary.
- 15.8. The parties shall file all documents only once by submitting them with their pleadings. Documents need not be resubmitted with witness statements or expert reports even if referred to in such statements.
- 15.9. The parties may use PowerPoint slides and demonstrative exhibits (such as charts, tabulations, etc. compiling information which is on record but not presented in such form), provided that they (i) identify the source in the record from which the information is derived, (ii) do not contain information not in the record.
- 15.10. An electronic copy of each demonstrative exhibit, other than PowerPoint slides, shall be distributed by the party intending to use it via an electronic mail sent to the entire case email distribution for each party, the Members of the Committee, the Secretary of the Committee, the court reporter, and to the interpreters as necessary 24 hours before its intended use. Electronic copies of PowerPoint presentations which are not by themselves demonstrative exhibits shall be provided via an electronic mail to each party, the Members of the Committee, the Secretary of the Committee, the court reporter, and to the interpreters just before their use.
- 15.11. In addition, promptly after the conclusion of the Hearing Day on which the corresponding demonstrative exhibit is used, the parties shall upload such demonstrative to the case folder in the BOX filesharing platform, designating each with the corresponding CD-__ or RD-__ number.
16. Witness Statements and Expert Reports
Convention Article 43(a); Arbitration Rule 24
- 16.1. When authorized by the Committee following the procedure outlined in §15.4, witness statements and expert reports shall be filed together with the parties' pleadings.
- 16.2. Each witness statement and expert report shall be signed and dated by the witness.

17. Examination of Witnesses and Experts
Arbitration Rules 35 and 36

- 17.1. The order for the examination of witnesses and experts, if any, shall be discussed and agreed by the parties prior to the pre-hearing organizational meeting. If the parties are unable to agree, the issue on which they differ shall be decided by the Committee.

18. Pre-Hearing Organizational Meetings
Arbitration Rule 13

- 18.1. A pre-hearing organizational meeting shall be held on December 7, 2026. It shall comprise a teleconference/videoconference between the Committee, or its President, and the parties and should address any outstanding procedural, administrative or logistical matter (including modality of interpretation and transcription) in preparation for the hearing.
- 18.2. At a date to be determined by the Committee, and in any event no later than the date of the pre-hearing conference, the parties shall submit to the Committee jointly – or, where they are unable to agree, separately – a proposal regarding a daily schedule for the hearing.

19. Hearings
Arbitration Rules 20(1)(e) and 32

- 19.1. The oral procedure shall consist of a hearing for oral arguments.
- 19.2. An in-person hearing shall be held at a place to be determined in accordance with §10 above.
- 19.3. Having due regard to the views of the parties and the specific circumstances of the case, including any relevant travel restrictions and/or public health/security measures, the Committee may decide to hold a hearing remotely or in a hybrid form.
- 19.4. The hearing shall take place on January 13 and 14, 2027.
- 19.5. The Members of the Committee shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 19.6. Hearing time shall be allocated equally between the parties on a basis to be determined at the pre-hearing organizational meeting.

19.7. Hearings shall be open to the public, in accordance with §23 below, subject to a procedure where any disputing party that intends to use information designated as protected information in a hearing shall so advise the Committee, and the Committee shall make appropriate arrangements to protect the information from disclosure.

20. Records of Hearings and Sessions

Arbitration Rules 13 and 20(1)(g) and 53

20.1. Recordings shall be made of all hearings and sessions. The recordings shall be provided to the parties and the Committee Members.

20.2. Verbatim transcript(s) in the procedural language(s) shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the parties or ordered by the Committee, the verbatim transcripts shall, if possible, be available in real-time and electronic transcripts shall be provided to the parties and the Committee on a same-day basis.

20.3. The parties shall agree on any corrections to the transcripts within 30 calendar 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 Committee shall decide upon any disagreement between the parties and any correction adopted by the Committee shall be entered by the court reporter in the revised transcripts.

21. Post-Hearing Memorials and Statements of Costs

Convention Article 44; Arbitration Rule 28(2)

21.1. The Committee and the parties shall discuss post-hearing memorials and statements of costs at the end of the hearing. In the absence of agreement between the parties, the Committee will decide on the necessity for post-hearing memorials, as well as their scope, length, and timing of submission.

21.2. In the absence of agreement between the parties, the Committee, after hearing the parties, will decide on the format, length, and timing of any statement of costs.

22. Non-Disclosure of Information

22.1. The parties agree that “protected information” means confidential business information or information that is privileged or otherwise protected from disclosure under the laws of the United States of America or the Republic of Colombia. Such information may not be publicly disclosed, in accordance with §23 (Transparency) below.

22.2. In addition, Respondent shall not be required to disclose information that Respondent deems to be “contrary to its essential security interests” or to “impede law enforcement or otherwise be contrary to the public interest or which would prejudice the legitimate commercial interests of particular enterprises public or private” (hereinafter, “Article 22.2 and 22.4 Information”). The production of such information may not be compelled from the Respondent, nor may such information be publicly disclosed, in accordance with §23 (Transparency), below.

22.3. For the purposes of this Order, “protected information” and “Article 22.2 and 22.4 Information” are collectively referred to as “non-disclosure information”.

23. Transparency

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

23.1. Hearings shall be open to the public, subject to a procedure to ensure “non-disclosure information” is not disclosed to the public during the hearing.

23.2. The parties consent to ICSID’s publication of the following documents: (a) the request for annulment; (b) pleadings, memorials and briefs submitted to the *ad hoc* Committee by a party and any written submissions submitted to the *ad hoc* Committee; (c) minutes or transcripts of hearings, where available; and (d) orders and decisions of the *ad hoc* Committee.

23.3. For purposes of §23.2 above, the reference to the “request for annulment” and to “pleadings, memorials and briefs” does not include accompanying material (i.e. witness statements, expert reports, exhibits and legal authorities).

23.4. The parties agree that Respondent, and not ICSID, retains the obligation to transmit the documents listed in §23.2 above to the United States of America.

23.5. The documents published under §23.2 above shall not contain “non-disclosure information.”

23.6. The parties agree that the following procedure applies to the redaction of “non-disclosure information” prior to publication.

23.6.1. For the Annulment Application, which pre-dates this order:

Within fourteen (14) calendar days of the date of this Order, Applicants shall submit a redacted version that does not contain any “non-disclosure information”. Within fourteen (14) calendar days of the date that the

redacted version is submitted to the Committee, Respondent shall notify Applicants and the Committee whether it objects to any of Applicants' redactions. If Respondent objects to any of Applicants' redactions, the parties shall undertake their best efforts to resolve these objections. If the parties cannot resolve Respondent's objections within fourteen (14) calendar days and upon the request of either party, then the Committee will decide the issue.

23.6.2. For pleadings, memorials, and briefs:

Within fourteen (14) calendar days of the date of submission of the pleading, memorial, or brief, the respective party shall submit redacted versions that do not contain any "non-disclosure information". Within fourteen (14) calendar days of the date that the redacted versions are submitted to the Committee, the respective party shall notify the other party and the Committee whether it objects to any of the redactions. If the other party objects to any of the redactions, the parties shall undertake their best efforts to resolve these objections. If the parties cannot resolve the objections within fourteen (14) calendar days and upon the request of either party, then the Committee will decide the issue.

23.6.3. For minutes or transcripts of hearings and orders and decisions of the Committee:

The parties shall within twenty-one (21) calendar days of dispatch by the ICSID Secretariat submit redacted versions that do not contain any "non-disclosure information". Within fourteen (14) calendar days of the date that the redacted versions are submitted to the Committee, each party shall notify the other party and the Committee whether it objects to any of the redactions. If there are objections, the parties shall undertake their best efforts to resolve these objections. If the parties cannot resolve the objections within fourteen (14) calendar days and on the request of either party, then the Committee will decide the issue.

23.6.4. For the Decision on Annulment:

The parties shall within 21 calendar days of dispatch by the ICSID Secretariat submit redacted versions of the Annulment Decision that do not contain any "non-disclosure information." Within 21 calendar days of the date that the redacted versions are submitted to the Committee, each party shall notify the other party and the Committee whether it objects to any of the redactions. If there are objections, the parties shall undertake their best efforts to resolve these objections. If the parties cannot resolve the

objections within 14 calendar days and upon the request of either party, then the Committee will decide the issue.

To ensure that the former Members of the Committee can be compensated for the time spent deciding on any such disputes, ICSID will maintain the case trust fund open after the proceeding is concluded. The former Members of the Committee will be able to submit claims for such fees at the same hourly rate and through the same process used during the proceeding, and the claims will be paid from the advance payments made by the parties.

If the parties have not submitted any disputes regarding proposed redactions to the Decision on Annulment to the former Members of the Committee within 21 calendar days of the date on which the Decision on Annulment is dispatched, ICSID will proceed to close the case trust fund. If the parties do submit such disputes by this date, ICSID will close the case trust fund once the claims for fees and expenses relating to the resolution of disputes over redactions of the Decision on Annulment, if any, are received and paid.

- 23.7. Neither the parties nor the Committee shall disclose to the United States of America or to the public any “non-disclosure information” redacted in accordance with this Order or a subsequent ruling of the Committee.

24. Publication

Convention Article 48(5), Administrative and Financial Regulation 25, Arbitration Rule 48(4)

- 24.1. The parties consent to publication by ICSID of the decision on annulment and any order or decision issued in this proceeding, subject to the provisions of §23.

25. Data Privacy and Cybersecurity

- 25.1. The Members of the Committee, the parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this annulment proceeding. They acknowledge having read ICSID’s “[Personal Data Privacy Notice – Proceedings](#)” (“Notice”).
- 25.2. The Members of the Committee, the parties and their representatives agree to comply with all applicable data protection and privacy regulations, including providing appropriate notice to data subjects whose personal data will be processed in the annulment proceeding, where necessary, including witnesses and experts. Should compliance with applicable law require action from another participant in the annulment proceeding, the parties are invited to bring that to the attention of

that other participant and/or to apply to the Committee for specific data protection measures to be put in place.

- 25.3. The parties and their representatives shall ensure that the storage and exchange of the personal data processed in this annulment proceeding is protected by way of appropriate technical and organizational safeguards.

26. Other Matters

- 26.1. The terms of this procedural order, including the timetable set forth in Annex A, may be altered or modified by the Committee, after consultation with the parties. These terms may also be modified by the parties by mutual agreement, subject to the Committee's approval of any such modification.

On behalf of the Committee,

[signed]

Prof. Dário Moura Vicente
President of the Committee
Date: September 24, 2025

Annex A – Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files and for the accompanying Consolidated Index.

All pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (e.g. SPA=Spanish; FR=French; ENG= English). Such indication should be reflected both i) in the name used to identify each individual electronic file and ii) in the Consolidated Hyperlinked Index (which shall be attached to each submission).

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading–LANGUAGE
LEGAL AUTHORITIES SUBMITTED IN THE ANNULMENT PROCEEDING	AALA-0001–[LANGUAGE] RALA-0001–[LANGUAGE] To be produced sequentially throughout the proceeding.
EXHIBITS SUBMITTED IN THE ANNULMENT PROCEEDING (if applicable)	AA-0001–[LANGUAGE] RA-0001–[LANGUAGE] To be produced sequentially throughout the proceeding.
WITNESS STATEMENTS (if applicable)	Witness Statement-Name of Witness-Name of Submission-LANGUAGE
EXPERT REPORTS (if applicable)	Expert Report-Name of Expert-Type-Name of Submission-LANGUAGE
EXHIBITS FROM THE UNDERLYING ARBITRATION	They shall maintain the same exhibit number from the underlying arbitration. No new exhibit number shall be assigned.
EXHIBITS TO WITNESS STATEMENTS AND EXPERT REPORTS	WITNESS/EXPERT INITIALS–###

*Amec Foster Wheeler USA Corporation, Process Consultants, Inc., and Joint Venture Foster
Wheeler USA Corporation and Process Consultants, Inc. v. Republic of Colombia*
(ICSID Case No. ARB/19/34)
Annulment Proceeding

Procedural Order No. 1 – Annex A

INDICES	See Annex C
OTHER APPLICATIONS	Name of Application–[Party]-LANGUAGE

*Amec Foster Wheeler USA Corporation, Process Consultants, Inc., and Joint Venture Foster
Wheeler USA Corporation and Process Consultants, Inc. v. Republic of Colombia*
(ICSID Case No. ARB/19/34)
Annulment Proceeding

Procedural Order No. 1 – Annex B

Annex B – Procedural Calendar

Procedural Step	By	Date
First Session	All	September 18, 2025
Memorial on Annulment	Applicants	January 19, 2026 <i>(≈120 days)</i>
Counter-Memorial on Annulment	Respondent	May 19, 2026 <i>(120 days)</i>
Reply on Annulment	Applicants	August 17, 2026 <i>(90 days)</i>
Rejoinder on Annulment	Respondent	November 16, 2026 <i>(≈90 days)</i>
Pre-Hearing Organizational Meeting	All	December 7, 2026 <i>(≈20 days)</i>
Hearing on Annulment	All	January 13-15, 2027 <i>(Includes two full hearing days, plus one day for deliberations)</i>
Post-Hearing Submissions (if applicable)	Both Parties	TBD
Costs Submissions	Both Parties	TBD

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Procedural Order No. 1 – Annex C

Annex C(1) – List of Legal Authorities Submitted in the Annulment Proceeding

Legal Authority	Name of Document/Description
Submitted with [Applicant's / Respondents'] [Name of Memorial] [AALA/RALA]-0001 to [AALA/RALA]-0001	
[AALA/RALA]-0001-[ENG/SPA]	

AALA = Applicants' Legal Authority

RALA- = Respondent's Legal Authority

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Annulment Proceeding

Procedural Order No. 1 – Annex C

Annex C(2) –Exhibits Submitted in the Annulment Proceeding (if applicable)

Exhibit	Name of Document/Description
Submitted with [Applicant's / Respondents'] [Name of Memorial] [AA/RA]-0001 to [AA/RA]-0001	
[AA/RA]-0001-[ENG/SPA]	

AA = Applicants' Exhibit
RA = Respondent's Exhibit

Amec Foster Wheeler USA Corporation, Process Consultants, Inc., and Joint Venture Foster Wheeler USA Corporation and Process Consultants, Inc. v. Republic of Colombia
(ICSID Case No. ARB/19/34)

Annulment Proceeding

Procedural Order No. 1 – Annex C

Annex C(3) – Exhibits from the Underlying Arbitration Submitted in the Annulment Proceeding

Exhibit	Name of Document/Description
Submitted with [Applicant's / Respondents'] [Name of Memorial]	
[C/R]-[ENG/SPA] [CL/RL]-[ENG/SPA] [CWS/RWS]-[ENG/SPA]	

C = Claimants' Fact Exhibit

CL = Claimants' Legal Authority

CWS = Claimants' Witness Statement

R = Respondent's Fact Exhibit

RL = Respondent's Legal Authority

RWS = Respondent's Witness Statement