

Letter from the Tribunal to the Parties of November 28, 2013.

Dear Mesdames and Sirs,

The Arbitral Tribunal refers to Respondent's letter of 20 November 2013 and Claimants' comments thereon of 24 November 2013.

Respondent has filed two requests, asking the Arbitral Tribunal to (i) grant Respondent 314 days for the filing of its Reply Memorial on Phase 2, i.e. to extend the deadline to 9 October 2013, and (ii) to revisit its decision on discontinuation of the proceedings with regard to withdrawn Claimants.

Claimants have objected to such requests based on the reasoning set out in their letter of 24 November 2013.

The Arbitral Tribunal finds as follows:

1. Respondent's request for extension of the deadline for the filing of its Rejoinder Memorial on Phase 2 to 9 October 2014 is rejected. The Arbitral Tribunal does not find it justified or appropriate to rely on the number of days between the filing of Respondent's Counter-Memorial and the filing of Claimants' Reply Memorial to grant Respondent an exactly same amount of days for the filing of its Rejoinder Memorial.

Both Parties have been occupied with various aspects of these proceedings, including most recently the Verification Process and the Database update issues, which are both relevant for the next steps of the proceedings, so that it would be inappropriate to assume that Claimants enjoyed 314 days to prepare their Reply Memorial. The Arbitral Tribunal believes that the period of 10.5 weeks as of receipt of Claimants' Reply Memorial is sufficient for Respondent to prepare its Rejoinder Memorial.

The Tribunal notes that the Parties are aware since the issuance of Order No. 15 of 20 November 2012 (containing the timetable including the Verification Process) that the deadlines fixed for the filing of Claimants' Reply Memorial in Phase 2 and Respondent's Rejoinder Memorial in Phase 2 are equally calculated as of the date of the filing of the Final Verification Report (i.e., in Block 2C: "(2 months)"; see also Timetable to PO17: in Block 2C: "(8 weeks)."

2. Respondent's request that the Arbitral Tribunal revisit its decision on discontinuance of 4 November 2013 is rejected. Respondent has failed to bring forward any new argument that would justify revisiting a decision previously made. For the sake of clarity, it should be reminded that the Arbitral Tribunal's decision on discontinuance is conditional upon the establishment by Claimants that Claimants' withdrawal is 'full and final'. As such, the Arbitral Tribunal sees no reason to revisit its decision.

Best regards,
Pierre Tercier

On behalf of the majority of the Arbitral Tribunal.

A dissenting statement of Dr. Santiago Torres Bernárdez is attached.