

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

RTI Rotalin Gas Trading AG and Rotalin Gaz Trading S.R.L.

v.

Republic of Moldova

(ICSID Case No. ARB(AF)/22/4)

PROCEDURAL ORDER NO. 1

Members of the Tribunal

Prof. Maxi Scherer, President of the Tribunal

Ms. Inka Hanefeld, Arbitrator

Ms. Jean E. Kalicki, Arbitrator

Secretary of the Tribunal

Mr. Oladimeji Ojo

28 February 2023

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Introduction

The first session of the Tribunal was held on January 30, 2023, at 10:00 a.m. EST/4:00 p.m. CET/5:00 p.m. EET, by video conference. The session was adjourned at 11:22 a.m.

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

Prof. Maxi Scherer, President of the Tribunal
Dr. Inka Hanefeld, Arbitrator
Ms. Jean E. Kalicki, Arbitrator

ICSID Secretariat:

Mr. Jonathan Chevry, Secretary of the Tribunal (replacing Mr. Oladimeji Ojo)
Mr. Shay Lakhter, Paralegal

Attending /Participating on behalf of the Claimant:

Mr. Filip Boras, (Baker McKenzie)
Mr. Andreas Traugott, (Baker McKenzie)
Mr. Brian Gabriel-Oiwoh (Baker McKenzie)
Ms. Julia Hildebrandt (Baker McKenzie)
Mr. Sorin Dolea (Dolea & Co)
Mr. Jamal Nusseibeh (RTI Rotalin Gaz Trading AG)

Attending /Participating on behalf of the Respondent:

Counsel for Republic of Moldova:

Ms. Ioana Salajanu (SLV Legal)
Mr. Andrei Bivol (Bivol Soțchi & Partners)
Mr. Bryan Jardine (Wolf Theiss)
Ms. Ligia Cecilia Popescu (Wolf Theiss)

The Tribunal and the parties considered the following:

- The Draft Procedural Order circulated by the Tribunal Secretary on December 8, 2022; and
- The parties' comments on the Draft Procedural Order received on January 13, 23 and 30, 2023, 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 Articles 21(1), 27 and 28 of the ICSID Arbitration (Additional Facility) Rules, this first Procedural Order sets out the Procedural Rules that govern this arbitration. The timetable is attached as **Annex A**.

1. Applicable Arbitration Rules

Articles 1, 28(2) and 35 of the ICSID Arbitration (Additional Facility) Rules

- 1.1. These proceedings are conducted in accordance with the ICSID Additional Facility Rules, the ICSID Arbitration (Additional Facility) Rules in force as of April 10, 2006, the Rules of Procedure contained in this Procedural Order No. 1 and the procedural rulings of the Tribunal taken in accordance with Section 5 of the present Order.

2. Constitution of the Tribunal and Tribunal Members' Declarations

Article 13 of the ICSID Arbitration (Additional Facility) Rules

- 2.1. The Tribunal was constituted on December 2, 2022, in accordance with the ICSID Arbitration (Additional Facility) Rules. The parties confirmed that the Tribunal has been 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 Article 13(2) of the ICSID Arbitration (Additional Facility) Rules. Copies of these declarations were distributed to the parties by the ICSID Secretariat on December 2, 2022.
- 2.3. The Members of the Tribunal confirmed that they have sufficient availability during the next 24 months to dedicate to this case.

3. Fees and Expenses of Tribunal Members

Administrative and Financial Regulation 14; ICSID Schedule of Fees; Memorandum on Fees and Expenses

- 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. Pursuant to ICSID Administrative and Financial Regulation 14, under the Memorandum on Fees and Expenses, from July 1, 2022, each Tribunal Member is entitled to:
 - 3.2.1. US\$500 per hour of work performed in connection with the proceeding, including each hour spent participating in hearings, sessions and meetings;
 - 3.2.2. US\$900 as a *per diem* for each day spent away from their city of residence while traveling in connection with a proceeding when overnight lodging is required. This covers all personal expenses, including lodging, tax on lodging, service charges, meals, gratuities, in-city transportation, laundry, personal communications and internet;
 - 3.2.3. US\$250 for each hour of travel and a *per diem* allowance of US\$200 for travel to and from a hearing on a day when lodging is not required. For work performed during travel, Members may charge the hourly rate for work (US\$500) in lieu of the hourly rate for travel. For day trips not requiring overnight lodging, Members are also entitled to a *per diem* of US\$200; and
 - 3.2.4. reimbursement for the costs of air and ground transportation to and from the city where the hearing, session or meeting is held.
- 3.3. Non-refundable expenses incurred due to postponement or cancellation of a hearing shall be reimbursed, e.g., the lesser of (a) actual non-refundable cost or (b) US\$900 per diem.
- 3.4. Each Tribunal Member shall submit his/her detailed claims for fees and expenses to the ICSID Secretariat on a quarterly basis or more frequently. Claims for work performed must be declared in a detailed, itemized format and appended to the Claim for Fees and Expenses form.

4. Presence and Quorum

Articles 22(2) and 28(1) of the ICSID Arbitration (Additional Facility) Rules

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

5. Rulings of the Tribunal

Articles 24 and 27 of the ICSID Arbitration (Additional Facility) Rules

- 5.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.
- 5.2. Article 24(2) of the ICSID Arbitration (Additional Facility) Rules 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.
- 5.3. The Tribunal will draft all rulings, including the award, within a reasonable time period. If a ruling has not been issued within three months after the final submission on a particular matter, the Tribunal will provide the parties with status updates every month.
- 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.
- 5.6. Any ruling of the Tribunal, including the certified copy of the award, will be dispatched electronically to the parties.

6. Power to Fix Time Limits

Article 33 of the ICSID Arbitration (Additional Facility) Rules

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

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7. Secretary of the Tribunal

Administrative and Financial Regulation 25

- 7.1. The Tribunal Secretary is Mr. Oladimeji Ojo, 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:

Mr. Oladimeji Ojo
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
USA
Tel.: + 1 (202) 458-5449
Fax: + 1 (202) 522-2615
Email: oojo1@worldbank.org
Paralegal name: Mr. Shay Lakhter
Paralegal email: slakhter@worldbank.org

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

Mr. Oladimeji Ojo
ICSID
1225 Connecticut Ave. N.W.
3rd Floor
Washington, D.C. 20036
Tel.: + 1 (202) 458-1534

8. Representation of the Parties

Article 26 of the ICSID Arbitration (Additional Facility) Rules

- 8.1. Each party shall be represented as indicated below and may designate additional agents, counsel, or advocates by notifying the Tribunal and the Tribunal Secretary promptly of such designation.

For the Claimant:

Mr. Filip Boras
Mr. Andreas Traugott
Mr. Brian Gabriel-Oiwoh
Ms. Julia Hildebrandt
Baker McKenzie Rechtsanwälte LLP &
Co KG

For Respondent, Republic of Moldova:

Ms. Ioana Salajanu
SLV Legal
1 East Erie, St 425/ 8 Cours des Bastions
Chicago, IL 60611/ Geneva, Switzerland 12
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9. Apportionment of Costs and Advance Payments to ICSID

Administrative and Financial Regulation 15; Articles 28(1)(f) and 58 of the ICSID Arbitration (Additional Facility) Rules

- 9.1. The parties shall cover the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 9.2. By letter of December 2, 2022, ICSID requested that each party pay USD 200,000 to cover the initial costs of the proceeding. ICSID received the Claimants' payment on December 13, 2022. By letter of December 27, 2022, Respondent informed the Tribunal that is unable to pay the requested advance payment by the date established. By letter of January 2, 2023, ICSID invited either party to pay the outstanding amount of USD 200,000 by January 17, 2023. ICSID received the Claimants' payment of the Respondent's share on or about January 9, 2023.
- 9.3. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account.

10. Place of Arbitration

Articles 19 and 20 of the ICSID Arbitration (Additional Facility) Rules

- 10.1. Geneva (Switzerland) shall be the place of the arbitration.
- 10.2. The Tribunal may hold hearings at any other place that it considers appropriate if the parties so agree, or remotely according to § 20.4.
- 10.3. The Tribunal may deliberate at any place it considers convenient.
- 10.4. The parties agree that wherever the award or decision was signed by each arbitrator, it is deemed to have been made at the place of arbitration.

11. Procedural Language, Translation and Interpretation

Article 30 of the ICSID Arbitration (Additional Facility) Rules

- 11.1. English is the procedural language of the arbitration.
- 11.2. Documents filed in any other language must be accompanied by a translation into English.
- 11.3. If the document is lengthy and relevant only in part, it is sufficient to translate only relevant parts, provided that the Tribunal may require a fuller or a complete translation at the request of any party or on its own initiative.
- 11.4. Translations need not be certified unless there is a dispute as to the content of a translation provided and the party disputing the translation specifically requests a certified version. Any dispute as to the content of a translation provided shall be raised by a party as early as possible, but in any event no later than 8 weeks before the hearing.
- 11.5. Documents exchanged between the parties in a language other than English under § 15 below (Production of Documents) need not be translated.
- 11.6. The testimony of a witness called for examination during the hearing who prefers to give evidence other than in the English language shall be interpreted simultaneously.
- 11.7. The parties will notify the Tribunal, as soon as possible, and no later than at the pre-hearing organizational meeting (see § 19 below), which witnesses or experts require interpretation.
- 11.8. The costs of the interpreter(s) 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.

12. Routing of Communications

- 12.1. The ICSID Secretariat shall be the channel of written communications between the parties and the Tribunal.
- 12.2. Each party's written communications shall be transmitted by email or other electronic means to the opposing party and to the Tribunal Secretary, who shall send them to the Tribunal.
- 12.3. 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.
- 12.4. 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.

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

Articles 31 and 32 of the ICSID Arbitration (Additional Facility) Rules

- 13.1. By the relevant filing date, the relevant party shall:
 - (i) upload the pleading, with all the supporting documentation (including witness statements and expert reports) and the corresponding updated hyperlinked index to the file sharing platform that will be created by ICSID for purposes of this case; and
 - (ii) notify the Tribunal Secretary and the opposing party via email that it has done so.
- 13.2. Electronic versions of pleadings, witness statements, expert reports, and legal authorities shall be text searchable (i.e., OCR PDF, Excel or Word).
- 13.3. All pleadings shall be accompanied by the updated index hyperlinked to the supporting documentation. The index shall indicate the document number, and the pleading with which it was submitted, per the naming conventions contained in **Annex B**.
- 13.4. The Members of the Tribunal reserve the right to require hard copies of some documents, as needed.
- 13.5. At the conclusion of the written phase of the proceeding, on a date to be determined by the Tribunal, or at any other time the Tribunal or the Secretariat so requests, the parties shall prepare a consolidated electronic hearing bundle of the entire case file (including pleadings, witness statements, expert reports, exhibits, legal authorities and Tribunal decisions and orders to date) with a consolidated hyperlinked index.

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Existing exhibit numbers shall be maintained. The parties shall upload such consolidated hearing bundle to the file sharing platform that will be created by ICSID for purposes of this case.

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

Prof. Maxi Scherer	Dr. Inka Hanefeld	Ms. Jean E. Kalicki
WilmerHale	Hanefeld Rechtsanwälte	201 West 72nd St., #6A,
49 Park Lane	Brooktorkai 20	New York, NY 10023
London, W1K 1PS	D-20457 Hamburg	United States of America
United Kingdom	Germany	Tel: +1-703-220-5566
Tel: + 44 2078721067	Tel: +49 4018048293	

13.7. 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.

13.8. A filing shall be deemed timely if sent by a party by midnight CET (Central European time) or CEST (Central European Summer Time), as applicable on the relevant date.

14. Number and Sequence of Pleadings

Articles 33 and 38 of the ICSID Arbitration (Additional Facility) Rules

14.1. Each pleading shall include all factual and legal arguments in support thereof.

14.2. The schedule for initial pleadings shall be as set out in **Annex A**.

14.3. The schedule for subsequent pleadings shall be fixed by the Tribunal, after further consultation with the parties, as soon as possible after Procedural Order No. 1.

15. Production of Documents

Article 41 of the ICSID Arbitration (Additional Facility) Rules

15.1. Articles 3 and 9 of the International Bar Association Rules on the Taking of Evidence in International Arbitration, adopted on 17 December 2020 (the “**I****B****A****R****u****l****e****s**”) shall guide the Tribunal and the parties regarding document production in this case.

15.2. Within the time fixed by the Tribunal, each party may serve a request for production of documents on the other party. Every request for production of documents shall precisely identify each document, or category of documents, sought and establish its relevance. Such a request shall not be copied to the Tribunal or the Tribunal Secretary.

15.3. Each party shall either provide the other party with the documents in its possession,

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custody or control that are responsive to the other party’s request or state in writing its objections with reference to the objections listed in Article 9(2) of the IBA Rules (without a copy to the Tribunal or the Tribunal Secretary).

- 15.4. The requesting party shall file its comments in writing on any response or objection made to production with the Tribunal Secretary, with a copy to the other party (in both Word and PDF formats).
- 15.5. The Tribunal shall rule on the objections as soon as reasonably possible.
- 15.6. A party shall produce those documents for which no objection is sustained by the Tribunal.
- 15.7. The request, responses or objections to the request, the reply to the responses or objections to the request, and the Tribunal's decisions referred to in this Section shall be recorded in a joint schedule in the form below:

Request No.	Documents or Category of Documents Requested	Relevance and Materiality		Responses or Objections	Replies to Objections	Tribunal's Decisions
		Reference to Pleadings, Exhibits, Witness Statements or Expert Reports	Comments			

16. Submission of Documents

Article 32 of the ICSID Arbitration (Additional Facility) Rules

- 16.1. 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.
- 16.2. The documents shall be submitted in the manner and form set forth in § 13 above.
- 16.3. 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.

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- 16.3.1. 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.
- 16.3.2. 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.
- 16.4. The Tribunal may call upon the parties to produce documents or other evidence in accordance with Article 41(2) of the ICSID Arbitration (Additional Facility) Rules.
- 16.5. The documents shall be submitted in the following form:
 - 16.5.1. 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 etc. 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 etc.
 - 16.5.2. Exhibits and legal authorities shall be numbered consecutively throughout these proceedings, commencing with “C-0001” and “R-0001,” and “CL-001” and “RL-001” respectively. The number of the exhibit or legal authority shall appear on the first page of the document and shall be incorporated into the file name in accordance with § 16.5.4.
 - 16.5.3. A party may produce several documents relating to the same subject matter within one Exhibit, numbering each page of such Exhibit separately and consecutively.
 - 16.5.4. Electronic filings and the accompanying indexes shall follow the naming conventions contained in **Annex B**.
- 16.6. 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.
- 16.7. The parties shall file all documents only once by attaching them to their pleadings. Documents need not be resubmitted with witness statements even if referred to in such statements.
- 16.8. 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 and indicate on each demonstrative exhibit the number of the document(s) from which it is derived. The party submitting such exhibits shall provide them in electronic and hard copy to the other party, the Tribunal Members, the Tribunal Secretary, the court reporter(s) and

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interpreter(s) at the hearing at a time to be decided at the pre-hearing organizational meeting.

17. Witness Statements and Expert Reports

Article 32 of the ICSID Arbitration (Additional Facility) Rules

- 17.1. Witness statements and expert reports shall be filed together with the parties' pleadings.
- 17.2. 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 § 16.3).
- 17.3. Each witness statement and expert report shall be signed and dated by the witness.

18. Examination of Witnesses and Experts

Articles 42 and 43 of the ICSID Arbitration (Additional Facility) Rules

- 18.1. Each witness shall make the following declaration before giving his evidence: "*I solemnly declare upon my honour and conscience that I shall speak the truth, the whole truth and nothing but the truth.*"
- 18.2. Each expert shall make the following declaration before making his statement: "*I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief.*"

19. Pre-Hearing Organizational Meetings

Article 29 of the ICSID Arbitration (Additional Facility) Rules

- 19.1. A pre-hearing organizational meeting shall be held at a date determined by the Tribunal after consultation with the parties. It shall comprise a teleconference between the Tribunal, or its President, and the parties and should resolve any outstanding procedural, administrative, and logistical matters (including modality of interpretation and transcription) in preparation for the hearing.
- 19.2. Within the time fixed by the Tribunal in **Annex A**, the parties shall submit to the Tribunal jointly – or, where they are unable to agree, separately – a proposal regarding a daily schedule for the hearing, as well as other procedural, administrative, and logistical matters in preparation for the hearing.

20. Hearings

Article 21(2) of the ICSID Arbitration (Additional Facility) Rules

- 20.1. The oral procedure shall consist of a hearing for examination of witnesses and

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experts, if any, and for oral arguments.

- 20.2. The hearing may be held in-person, by video conference or by any other means of communication as determined by the Tribunal after consultation with the parties.
- 20.3. In the event that an in-person hearing shall be held, it will be held in Vienna (Austria), unless determined otherwise by the Tribunal following further consultations with the Parties.
- 20.4. Having due regard to the views of the parties and the specific circumstances of the case, including any relevant travel restrictions and/or social distancing measures, the Tribunal may decide to hold a hearing remotely or in a hybrid form.
- 20.5. The hearing shall take place on a date no earlier than 4 weeks after the filing of the last written submission.
- 20.6. 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.
- 20.7. The Tribunal shall decide on the allocation of time following the written phase, during the pre-hearing organizational meeting identified in § 19.1.
- 20.8. Hearings shall closed to the public.
- 20.9. At a date to be determined by the Tribunal, and in any event no later than two weeks prior to the hearing, the parties shall submit to the Tribunal jointly – or, where they are unable to agree, separately:
 - 20.9.1. A list and brief description of the individuals and entities who/which are part of each of the parties’ relevant factual background (“*dramatis personae*”); and
 - 20.9.2. A list of each party’s substantive issues required to be determined by the Tribunal.

21. Records of Hearings and Sessions

Article 28(1)(g) of the ICSID Arbitration (Additional Facility) Rules

- 21.1. Sound recordings shall be made of all hearings and sessions. The sound recordings shall be provided to the parties and the Tribunal Members.
- 21.2. 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 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.

21.3. The parties shall agree on any corrections to the transcripts within 30 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter 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 court reporter – in the revised transcripts.

22. Post-Hearing Memorials and Statements of Costs

Article 58(1) of the ICSID Arbitration (Additional Facility) Rules

22.1. At the conclusion of any hearing, the Tribunal shall decide whether the parties will file Post-Hearing Memorials and Reply Post-Hearing Memorials as well as when and in what form the parties shall file evidence regarding the quantification of the costs.

23. Publication

Article 53(3) of the ICSID Arbitration (Additional Facility) Rules

The parties consent to ICSID publication of the award and any order or decision issued in the present proceeding.

[signed]

Prof. Maxi Scherer
President of the Tribunal
Date: 28 February 2023

ANNEX A

TIMETABLE

Scenario 1: Respondent decides not to file any preliminary objections

Date	Period from previous deadline	Submission / Procedural Step
31 May 2023	4 months	Claimants' Memorial on the Merits
30 November 2023	6 months	Respondent's Counter-Memorial on the Merits
29 December 2023	1 month	Document Production Requests of the Parties
26 January 2024	3 weeks (+1 week due to holiday season)	Voluntary document production and objections
9 February 2024	2 weeks	Reply to objections
23 February 2024	2 weeks	Decision by the Tribunal on document production
15 March 2024	3 weeks	Document production
15 May 2024	2 months	Claimants' Reply
15 July 2024	2 months	Respondent's Rejoinder
5 August 2024	3 weeks	Parties' submission of list of relevant persons and list of issues to be decided in the arbitration Notification of other Party's factual witnesses and experts to be cross-examined at the oral hearing
12 August 2024	1 week	Parties' suggestions on hearing schedule and other hearing-related points
4 September 2024 3pm CEST		Pre-Hearing Conference
7-18 October 2024		Hearing on the Merits
To be discussed at the end of the Hearing		Receipt of transcript/changes Post Hearing Memorials / Submission on Costs

Scenario 2.1: Respondent requests bifurcation and bifurcation is rejected

Date	Period from last deadline	Submission / Procedural Step
31 May 2023	4 months	Claimants' Memorial on the Merits
12 July 2023	6 weeks	Respondent's request for bifurcation
23 August 2023	6 weeks	Claimant's Reply to the Request
4 October 2023	6 weeks	Tribunal's decision on bifurcation ¹
Bifurcation rejected		
5 February 2024	4 months	Respondent's Counter-Memorial on the Merits and Memorial on Preliminary Objections
5 March 2024	1 month	Document Production Requests of the Parties
26 March 2024	3 weeks	Voluntary document production and objections
9 April 2024	2 weeks	Reply to objections
23 April 2024	2 weeks	Decision by the Tribunal on document production
14 May 2024	3 weeks	Document production
15 July 2024	2 months	Claimants' Reply
16 September 2024	2 months	Respondent's Rejoinder
7 October 2024	3 weeks	Parties' submission of list of relevant persons and list of issues to be decided in the arbitration Notification of other Party's factual witnesses and experts to be cross-examined at the oral hearing
14 October 2024	1 week	Parties' suggestions on hearing schedule and other hearing-related points
17 October 2024, 3pm CEST		Pre-Hearing Conference
2-13 December 2024		Hearing on the Merits

¹ The Tribunal reserves the right to issue a short-form decision on bifurcation, with detailed reasons to follow, in order not to delay the further stages of the proceeding while the Tribunal is preparing its longer-form decision.

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		Receipt of transcript/changes Post Hearing Memorials / Submission on Costs
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Scenario 2.2: Respondent requests bifurcation and bifurcation is granted

Date	Period from last deadline	Submission / Procedural Step
31 May 2023	4 months	Claimants' Memorial on the Merits
12 July 2023	6 weeks	Respondent's Request for Bifurcation
23 August 2023	6 weeks	Claimants' Reply to the Request for Bifurcation
4 October 2023	6 weeks	Tribunal's Decision on Bifurcation ²
Bifurcation granted		
4 December 2023	2 months	Respondent's Memorial on Preliminary Objections
5 February 2024	2 months	Claimants' Counter-Memorial on Preliminary Objections
26 February 2024	3 weeks	Notification of other Party's factual witnesses and experts to be cross-examined at the oral hearing (if any)
4 March 2024	1 week	Parties' suggestions on hearing timetable and other hearing-related points
21 March 2024, 3pm CEST		Pre-Hearing Conference
6-10 May 2024		Hearing on Preliminary Objections
To be discussed at the end of the Hearing		Receipt of transcript/changes Post Hearing Memorials / Submission on Costs
If the Tribunal confirms its jurisdiction, the Tribunal and the Parties will confer regarding subsequent steps		

² The Tribunal reserves the right to issue a short-form decision on bifurcation, with detailed reasons to follow, in order not to delay the further stages of the proceeding while the Tribunal is preparing its longer-form decision.

ANNEX B

ELECTRONIC FILE NAMING GUIDELINES

Please follow these guidelines when naming electronic files and for the accompanying Consolidated Hyperlinked Index. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

For cases with a single procedural language, the “LANGUAGE” designation may be omitted, except for documents in a language other than the procedural language and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<i>Memorial on Jurisdiction-ENG</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction-ENG</i>
	<i>Reply on Annulment-ENG</i>
	<i>Rejoinder on Quantum-ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-####–LANGUAGE
	R-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S FACTUAL EXHIBITS
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
<i>R-0001-FR</i>	
<i>R-0002-SPA</i>	
Legal Authorities	CL-####–LANGUAGE
	RL-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S LEGAL AUTHORITIES
	<i>CL-0001-ENG</i>
	<i>CL-0002-FR</i>
	RESPONDENT’S LEGAL AUTHORITIES
<i>RL-0001-SPA</i>	
<i>RL-0002-ENG</i>	
Witness Statements	Witness Statement-Name of Witness-Name of Submission-LANGUAGE
	<i>Witness Statement-Maria Jones-Memorial on Jurisdiction-SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement]-ENG</i>
Expert Reports	Expert Report-Name of Expert-Type-Name of Submission-LANGUAGE
	<i>Expert Report-Lucia Smith-Valuation-Memorial on Quantum-ENG</i>
	<i>Expert Report-Lucia Smith-Valuation-Reply on Quantum-[Second Report]-ENG</i>
Legal Opinions	Legal Opinion-Name of Expert-Name of Submission-LANGUAGE
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits-FR</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion]-FR</i>
Exhibits to	WITNESS/EXPERT INITIALS–###
	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>

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Witness Statements, Expert Reports, Legal Opinions	<i>MJ-0001</i>
	<i>MJ-0002</i>
	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-0001</i>
	<i>TK-0002</i>
	<i>For exhibits filed with the Expert Report of [Lucia Smith]</i>
	<i>LS-0001</i>
	<i>LS-0002</i>
INDICES	Consolidated Hyperlinked Index
	Index of Exhibits-C-#### to C-####
	<i>Index of Exhibits-C-0001 to C-0023</i>
	Index of Legal Authorities-RLA-### to RLA-###
	<i>Index of Legal Authorities-RLA-0001 to RLA-0023</i>
OTHER APPLICATIONS	Name of Application-[Party]-LANGUAGE
	<i>Preliminary Objections under Rule 41(5)-SPA</i>
	<i>Request for Bifurcation-ENG</i>
	<i>Request for Provisional Measures-[Respondent]-SPA</i>
	<i>Request for Production of Documents-[Claimant]-SPA</i>
	<i>Request for Stay of Enforcement-FR</i>
	<i>Request for Discontinuance-[Claimant]-ENG</i>
	<i>Post-Hearing Brief-[Claimant]-SPA</i>
	<i>Costs Submissions-[Respondent]-ENG</i>
<i>Observations to Request for [XX]-[Claimant]-SPA</i>	