

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

**ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V. and ConocoPhillips Gulf of Paria  
B.V.  
(Claimants)**

**v.**

**Bolivarian Republic of Venezuela  
(Applicant)**

**(ICSID Case No. ARB/07/30)  
Annulment Proceeding**

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**PROCEDURAL ORDER NO. 3  
On the Organization of the Hearing on Annulment**

***Members of the ad hoc Committee***

Judge Dominique Hascher, President of the *ad hoc* Committee  
Prof. Diego Fernández Arroyo, Member of the *ad hoc* Committee  
Mr. Lawrence Boo, Member of the *ad hoc* Committee

***Secretary of the ad hoc Committee***

Ms. Celeste E. Salinas Quero

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Date: September 22, 2023

## **I. PROCEDURAL HISTORY**

1. On September 27, 2022, the annulment proceeding, which had been suspended since June 12, 2022, resumed.
2. On November 9, 2022, the Committee, after consultation with the parties, decided that the hearing on annulment (the “**Hearing**”) would be held in-person. The Committee noted that the sanitary restrictions which prompted the organization of a remote hearing in 2021 (a hearing which did not take place), had been lifted.
3. On December 6, 2022, the Committee, after consultation with the parties, decided that the Hearing would be held over three days, determined the Hearing sequence and time allocation.
4. On December 21, 2022, the Committee, after consultation with the parties, confirmed October 18-20, 2023, as the new Hearing dates.
5. On February 14, 2023, after consultation with the parties, the Committee decided to hold the Hearing in Paris and informed that the Secretariat would make arrangements to hold the Hearing at the Hotel Marriot Champs Elysees in Paris.
6. On August 24, 2023, the Secretary of the Committee circulated a draft of the present procedural order concerning the organization of the Hearing, to which the parties provided their comments on September 12, 2023. The draft circulated adapted the provisions of Procedural Order No. 2 from a remote to an in-person hearing.
7. Having considered the parties’ positions, this Order sets out the procedural rules that the parties have agreed upon and/or the Committee has determined will govern the conduct of the Hearing.
8. The Bolivarian Republic of Venezuela (as represented by Mr. De Jesús) maintains that its interests are exclusively represented in the proceeding by the Bolivarian Republic of Venezuela’s Attorney General, Mr. Reinaldo Enrique Muñoz Pedroza, and the representatives designated by him.

## **II. ORDER**

### **A. Date and place**

9. The Hearing shall take place in Paris on **October 18–20, 2023**.
10. The Hearing will be held at the Hotel Marriot Champs Elysees located on 70 avenue des Champs-Élysées Paris, France 75008. Break out rooms for the parties (one break out room for De Jesús, one break out room for Curtis and one break out room for the ConocoPhillips parties) and the Committee have been booked.
11. The setup arrangement of the Hearing room will be decided in advance by the Committee after consultation with the parties and the ICSID hearings organization team taking into consideration the capacity and the layout of the Hearing room.

### **B. Agenda**

12. Each hearing day shall start at 09:30 AM and conclude at 05:30 PM, but for the last day of the Hearing which shall start at 09:30 AM and conclude at 07:00 PM. The first day of the Hearing shall be October 18, 2023 (“**Day 1**”), the second day October 19, 2023 (“**Day 2**”) and the third day October 20, 2023 (“**Day 3**”).

13. The sequence of the Hearing and time allocated to each party shall be as follows:
- Day 1: oral presentation by De Jesús (4 hours) and Curtis (2 hours);
  - Day 2: oral presentation by Curtis (continued: 2 hours) and by the Conoco parties (4 hours); and
  - Day 3: rebuttal statements by De Jesús, Curtis, and Conoco (2 hours each) and Committee’s questions and post-hearing matters (1.5 hour).
14. The Hearing shall follow the schedule format envisaged in the Agenda attached as **Annex A**, which shall include at least one morning break, one lunch break and one afternoon break per Hearing day. Each party shall be free to distribute in the Agenda its allocated time in the manner it sees fit, so long as the sequence of the presentations, the amount of time allotted to that party per Hearing day, and the breaks set out in this order are maintained. On September 12, 2023, the parties presented the Tribunal a joint Agenda reflecting these instructions, and their respective proposals where there was disagreement. The schedule adopted for the Hearing is included in **Annex A** of this Order.
15. The Agenda may be amended by the Committee during the Hearing, on account of any delay, interruption, due to technical difficulties, or to permit short breaks for the benefit of the court reporters and interpreters.
16. The Secretariat will keep the time, under the direction of the Committee, and will advise the parties of the total daily time used.

### **C. Documents for Use at the Hearing**

#### **1. Electronic Hearing Bundle**

17. The parties shall prepare a joint electronic hearing bundle, which will contain all pleadings, exhibits (including the exhibits submitted from the underlying proceedings), and legal authorities relied on in the annulment proceedings and any other exhibit or legal authority authorized by the Committee, with a unified hyperlinked index. This bundle shall be uploaded by the parties to a designated sub-folder in the BOX filesharing platform by **October 11, 2023**. To ensure operation of the hyperlinked index in BOX, if feasible, the entire Electronic Hearing Bundle shall be housed within one folder and then uploaded to BOX as a single zip file. Should the size of the single zip file make uploading it to BOX not possible, the parties may simply create an Electronic Hearing Bundle folder in the BOX filesharing platform within which the unified hyperlinked index is uploaded alongside sub-folders including all relevant files.
18. The parties’ pleadings and the unified hyperlinked index, to the extent possible, shall be text searchable (*i.e.*, OCR PDF or Word), rotated so it can be read horizontally on a computer screen, and should include a table of contents where applicable. PDF files should also include bookmarks for headings and subheadings.

#### **2. Demonstrative Exhibits**

19. The parties may make use of demonstrative exhibits in support of oral arguments, provided they do not contain materials not in the record.
20. Section 15.6 of Procedural Order No. 1 shall apply and is reproduced below for convenience.

“15.6. 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 Committee Members, the Secretary, the court reporter(s) and interpreter(s) at the hearing in advance of their use.”

21. The electronic and hard copies of each demonstrative shall be distributed by the party intending to use it, to the opposing party, the Secretariat, the Committee and the court reporters and interpreters, no later than 15 minutes prior to the respective argument, in text-searchable PDF format.
22. Demonstrative exhibits shall indicate the source of the information contained therein through references to the record.
23. Promptly after the conclusion of each Hearing day in which the corresponding demonstrative exhibit is used, the parties shall upload each demonstrative exhibit to the BOX electronic file sharing system, with the required CD-\_\_ or RD-\_\_ number.

#### **D. Simultaneous interpretation**

24. Pursuant to Section 11.9 of Procedural Order No. 1, simultaneous interpretation from and into English and Spanish will be available at all times during the Hearing.

#### **E. Audio Recording and Transcripts**

25. Pursuant to Section 18.1 of Procedural Order No. 1, sound recordings will be made of the Hearing as well as verbatim transcripts in English and Spanish that can be subject to corrections.
26. Pursuant to Section 18.2 of Procedural Order No. 1, the Hearing Participants shall have real-time access to the transcripts via a device provided by the court reporters. Electronic versions of the transcripts will be circulated by e-mail to the parties, the Secretariat, and the Committee, at the end of each Hearing day.
27. Pursuant to Section 18.3 of Procedural Order No. 1, 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 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.

#### **F. Post-Hearing Briefs**

28. Pursuant to Section 19.1 of Procedural Order No. 1, issues related to post-hearing briefs and statements of costs shall be discussed at the close of the Hearing.

#### **G. Participants**

29. Each party shall provide a list of the persons who will attend the Hearing by no later than **September 27, 2023**, using the format in **Annex B (“List of Participants”)**.
30. The ICSID Secretariat has reserved a hearing room and break out rooms for each Party and the Tribunal.

#### **H. Hearing closed to the public**

31. The Hearing shall be closed to the public.

## **I. Confidentiality**

32. Participants in the Hearing must continue to comply with any applicable legal and ethical obligations with respect to confidentiality. All participants providing services to facilitate the Hearing will (i) keep confidential all documents and information coming to their knowledge as a result of their participation in the Hearing; (ii) not use, or authorize any other person to use, such documents and information other than for the purpose of performing their work at the Hearing; and (iii) dispose all documents if printed, as confidential material, and delete all electronic copies that might be stored on personal devices when their hearing-related work has been completed.

[signed]

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Judge Dominique Hascher  
President of the Committee  
(On behalf of the Committee)

ANNEX A

**Hearing Agenda – Hearing on Annulment**

**Paris  
(Hotel Marriot Champs Elysees)**

*At least one morning break, one lunch break and one afternoon break shall be included per Hearing day.*

**Day 1: Wednesday, October 18, 2023**

	<b>PROCEDURAL STEP</b>
9:30 AM	Welcome/housekeeping (20 minutes)
9:50 AM	Oral presentation – Bolivarian Republic of Venezuela – De Jesús & De Jesús (50 minutes)
10:40 AM	Break (10 minutes)
10:50 AM	Oral presentation – Bolivarian Republic of Venezuela – De Jesús & De Jesús (50 minutes)
11:40 AM	Break (10 minutes)
11:50 AM	Oral presentation – Bolivarian Republic of Venezuela – De Jesús & De Jesús (60 minutes)
12:50 PM	Lunch break (1 hour)
1:50 PM	Oral presentation – Bolivarian Republic of Venezuela – De Jesús & De Jesús (80 minutes)
3:10 PM	Break (10 minutes)
3:20 PM	Oral presentation – Bolivarian Republic of Venezuela - Curtis, Mallet-Prevost, Colt & Mosle (60 minutes)
4:20 PM	Break (10 minutes)
4:30 PM	Oral presentation – Bolivarian Republic of Venezuela - Curtis, Mallet-Prevost, Colt & Mosle (60 minutes)
05:30 PM	End of Day 1

**Day 2: Thursday, October 19, 2023**

	<b>PROCEDURAL STEP</b>
09:30 AM	Housekeeping (10 minutes)
09:40 AM	Oral presentation – Bolivarian Republic of Venezuela - Curtis, Mallet-Prevost, Colt & Mosle (60 minutes)
10:40 AM	Break (10 minutes)
10:50 AM	Oral presentation – Bolivarian Republic of Venezuela - Curtis, Mallet-Prevost, Colt & Mosle (60 minutes)
11:50 AM	Lunch Break (1 hour)
12:50 PM	Oral presentation – ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V. and ConocoPhillips Gulf of Paria B.V. (120 minutes)
2:50 PM	Break (10 minutes)
3:00 PM	Oral presentation – ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V. and ConocoPhillips Gulf of Paria B.V. (120 minutes)
05:30 PM	End of Day 2

**Day 3: Friday, October 20, 2023**

	<b>PROCEDURAL STEP</b>
09:30 AM	Housekeeping (10 minutes)
09:40 AM	Rebuttal Statement – Bolivarian Republic of Venezuela – De Jesús & De Jesús (120 minutes)
11:40 AM	Break (10 minutes)
11:50 AM	Rebuttal Statement – Curtis, Mallet-Prevost, Colt & Mosle (120 minutes]
1:50 PM	Lunch break (1 hour)
2:50 PM	Rebuttal Statement – ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V. and ConocoPhillips Gulf of Paria B.V. (120 minutes)
04:50 PM	Break (30 minutes)
05:20 PM	Committee’s Questions & Post-hearing Matters (90 minutes)
06:50 PM	Any housekeeping matters (10 minutes)
07:00 PM	End of Day 3

**ANNEX B**

**LIST OF PARTICIPANTS**

<b>Ad-Hoc Committee</b>	
Judge Dominique Hascher	President
Prof. Diego Fernández Arroyo	Committee Member
Mr. Lawrence Boo	Committee Member

<b>ICSID SECRETARIAT</b>	
Ms. Celeste E. Salinas Quero	Secretary of the Committee

<b>CLAIMANT(S)</b>	
<b>Mr./Ms. First Name/ Last Name</b>	<b>Affiliation</b>
<i>Counsel:</i>	
<i>Parties:</i>	

<b>RESPONDENT(S)</b>	
<b>Mr./Ms. First Name/ Last Name</b>	<b>Affiliation</b>
<i>Counsel:</i>	
<i>Parties:</i>	

<b>COURT REPORTER(S)</b>	
[Name]	[Company]

<b>INTERPRETERS</b>	
[Name]	[Affiliation / Independent Interpreter]
	[Affiliation / Independent Interpreter]