

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

In the arbitration proceeding between

ABH HOLDINGS S.A.

Claimant

v.

UKRAINE

Respondent

(ICSID Case No. ARB/24/1)

PROCEDURAL ORDER NO. 6

Members of the Tribunal

Prof. Bernard Hanotiau, President of the Tribunal
Mr. Francis Xavier SC, Arbitrator
Prof. Sean D. Murphy, Arbitrator

Secretary of the Tribunal

Mr. Yuichiro Omori

Assistant to the President of the Tribunal

Ms. Iris Raynaud

25 May 2026

1. This Procedural Order (“**PO**”) is issued in ICSID Case No. ARB/24/1, between ABH Holdings S.A. (“**ABH**” or “**Claimant**”) and Ukraine (“**Ukraine**” or “**Respondent**”), initiated pursuant to the Agreement between the Belgo-Luxembourg Economic Union and the Government of Ukraine on the Reciprocal Promotion and Protection of Investments, dated 20 May 1996, which entered into force on 27 July 2001 (“**Treaty**”).
2. This PO is issued further to (i) Respondent’s request that the deadline for the filing of its Rejoinder be extended to 12 October 2026, (ii) Claimant’s application to file new evidence under paragraph 17.3 of Procedural Order No. 1 (“**PO1**”), and (iii) Claimant’s proposal that the hearing be physically held in Istanbul, or, alternatively, in Singapore. These requests were made in Respondent’s letter of 7 May 2026 and Claimant’s letter of 15 May 2026. Claimant responded to Respondent’s request in its 15 May 2026 letter. Respondent was also given an opportunity to respond to Claimant’s application and proposal on 20 May 2026.
3. The Tribunal, after reviewing the Parties’ correspondences of 7, 15 and 20 May 2026, decides as follows:

I. CLAIMANT’S APPLICATION TO FILE NEW EVIDENCE UNDER PARAGRAPH 17.3 OF PO1

4. Paragraph 17.3 of PO1 permits a party to submit additional documentary evidence after the filing of its last written submission in the event the Tribunal determines that special circumstances exist.
5. The Tribunal is satisfied that the documents that Claimant wants to submit could not have been submitted along with its Reply since they concern facts posterior to 30 April 2026. Claimant has therefore demonstrated that special circumstances exist.
6. The Tribunal further notes that the scope of the new evidence that Claimant intends to produce is well delineated, namely (i) an additional report of Dr. Minakov of no more than 15 pages, (ii) to be filed by 25 May 2026, (iii) exclusively addressing developments in relation to the [REDACTED] that happened since Claimant filed its Reply on 30 April 2026, and (iv) accompanied by sources limited to those which date from after 30 April 2026. Since these documents are due to be filed by 25 May 2026, Respondent will also have sufficient time to make its observations in its upcoming Rejoinder.
7. For all these reasons the Tribunal **grants** Claimant’s application as framed at paragraph **21.a** of its 15 May 2026 letter. This decision does not in any way prejudice the relevance and materiality of the new evidence submitted by Claimant.
8. As for the remaining part of the Claimant’s application, set out at paragraph **21.b** of Claimant’s 15 May 2026 letter, whereby Claimant seeks the possibility to “[a]dduce such further evidence in relation to [REDACTED] that comes to light after the date of Dr. Minakov’s Further Supplemental Report in sufficient time and order to be addressed by the Parties at the Hearing”, the Tribunal considers any such ruling to be premature and therefore this part of the application is **denied**.

9. Should the Parties wish to adduce further evidence in relation to [REDACTED] after their last submissions on the merits and before the hearing, any such request will be considered by the Tribunal at the appropriate time.

II. PROCEDURAL TIMETABLE

10. As already communicated to the Parties on 6 April 2026, the Tribunal wishes the hearing dates to be maintained. These dates have long been reserved and there is still sufficient time for the Parties to file their remaining submissions and prepare for the hearing.
11. Respondent's latest request to file its Rejoinder by 12 October 2026 is excessive. Since the Tribunal's decision on bifurcation was issued, the procedural calendar has always contemplated an interval of 3 months between the Reply and the Rejoinder.
12. The Tribunal is not convinced that the content of the Reply warrants extending that interval by an additional 2 months and 2 weeks. If the interval granted to Claimant between the Counter-Memorial and the Reply was itself extended by 1 month and 3 weeks (Claimant benefiting from 7 months and 3 weeks instead of 6 months as initially contemplated), this resulted from the delays that occurred during the document production phase, and the fact that the last production occurred on 23 March 2026. The Tribunal is not convinced that these circumstances warrant a similar extension for the Rejoinder.
13. In light of (i) the Tribunal's decision above granting Claimant the right to adduce its new evidence by 25 May 2026, and (ii) the fact that Claimant did benefit from an extension of time to file its Reply, the Tribunal considers it appropriate to grant Respondent until 20 August 2026 to file its Rejoinder, thereby extending its deadline by 3 weeks, which is enough for the preparation of such submission.
14. Concerning Claimant's Rejoinder on Jurisdiction, the current procedural calendar contemplates an interval of 2 months and 2 weeks between that submission and the Rejoinder. Given that Claimant and the Tribunal wish to maintain the hearing dates as initially scheduled, the Tribunal considers it necessary to reduce that interval by 1 week, which shall still provide sufficient time for Claimant to prepare its last submission. Claimant is therefore invited to file its Rejoinder on Jurisdiction on 27 October 2026.
15. An interval of somewhat less than 5 weeks (4 weeks and 5 days) will be left between this last submission and the start of the hearing on 30 November 2026. Given the level of experience of counsel on both sides and that of the Tribunal's members, the Tribunal is satisfied that this timeframe is enough for everyone to finalize their preparation for the hearing.

III. PHYSICAL VENUE OF THE HEARING

16. In light of the Parties' agreement, the hearing will take place in Istanbul, Türkiye. The Parties are invited to liaise with the ICSID Secretariat as soon as possible to start preparing the logistics of this hearing.

On behalf of the Tribunal,

[signed]

Prof. Bernard Hanotiau
President of the Tribunal
Date: 25 May 2026