

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES
WASHINGTON, D.C.

ELECTRABEL S.A.

(Claimant)

v.

REPUBLIC OF HUNGARY

(Respondent)

(ICSID Case No. ARB/07/19)

Procedural Order No. 12

Dated: 23 April 2013

1. Pursuant to its Decision on Jurisdiction, Applicable Law and Liability dated 30 November 2012, the Tribunal held a meeting with the Parties in New York, NY, USA, on 10 April 2013 to consider the further procedural steps required in this arbitration. The meeting was recorded; and a verbatim transcript has been sent to the Parties.

2. Regarding the allocation and amount of costs up to the date of the Tribunal's Decision (but not payment at this stage of these proceedings), the Parties have agreed to submit written submissions concerning such costs in relation to the eight claims pleaded by the Claimant in its original request for arbitration (but not in relation to its later PPA Termination Claim), pursuant to the following schedule:

- The Respondent shall submit its submissions by 24 May 2013;
- The Claimant shall submit its submissions by 5 July 2013;
- There may be further responsive submissions by the Parties, to be decided by the Tribunal upon further application by any Party or upon the Tribunal's own initiative.

3. Regarding the effect of the 'Non-Payment of the Net Stranded Costs', including the standard of damages (but not their quantification), the Parties have agreed to the following schedule for their respective written submissions:

- The Claimant's Submissions by 23 July 2013;
- The Respondent's Counter-Submissions by 8 November 2013;
- The Claimant's Reply Submissions by 22 January 2014; and
- The Respondent's Rejoinder Submissions by 2 April 2014.

8 The Tribunal decided that if any Party wishes to submit any factual document existing before 17 February 2010 in support of its submissions listed in the preceding paragraph, it shall apply to the Tribunal for permission to do so (see the verbatim transcript, page 104).

9 It was further agreed that an oral hearing shall take place in Washington, DC, USA, on 15 and 16 May 2014. The hearing may be preceded by an organisational meeting (by telephone conference-call) at a date and time to be fixed later by the Tribunal.

10 The Tribunal will also address at a later stage the content of that hearing and its procedural consequences, in further consultation with the Parties.

[Signed]

V.V.Veeder
President of the Tribunal