

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

BA Desarrollos LLC

v.

Argentine Republic

(ICSID Case No. ARB/23/32)

PROCEDURAL ORDER No. 1

Members of the Tribunal

Ms. Deva Villanúa, President of the Tribunal

Mr. Stephen L. Drymer, Arbitrator

Mr. Luis Alberto González García, Arbitrator

Secretary of the Tribunal

Ms. Catherine Kettlewell

Assistant to the Tribunal

Mr. Ethan Shannon-Craven

15 March 2024

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Introduction

The first session of the Tribunal was held on 26 January 2024, at 9:10 a.m., by video-conference. The session was adjourned at 10:46 a.m.

A recording of the session was made and uploaded to ICSID's file-sharing platform (Box), of which the Members of the Tribunal and the Parties were informed.

Participating in the conference were:

Members of the Tribunal:

Ms. Deva Villanúa, President of the Tribunal

Mr. Stephen L. Drymer, Arbitrator

Mr. Luis Alberto González García, Arbitrator

ICSID Secretariat:

Ms. Catherine Kettlewell, Secretary of the Tribunal

Assistant to the Tribunal:

Mr. Ethan Shannon-Craven

On behalf of the Claimant:

Ms. Noiana Marigo, Freshfields Bruckhaus Deringer US LLP

Ms. Hinda Rabkin, Freshfields Bruckhaus Deringer US LLP

Mr. Juan Ignacio Amado Aranda, Freshfields Bruckhaus Deringer US LLP

Ms. Grace Lee, BA Desarrollos LLC

On behalf of the Respondent:

Mr. Andrés de la Cruz, *Subprocurador del Tesoro de la Nación*

Ms. Mariana Mabel Lozza, *Directora Nacional de Asuntos y Controversias Internacionales, Procuración del Tesoro de la Nación*

Ms. María Alejandra Etchegorry, *Subdirectora Nacional de Asuntos y Controversias Internacionales, Procuración del Tesoro de la Nación*

Ms. Cintia Yaryura, *Dirección Nacional de Asuntos y Controversias Internacionales, Procuración del Tesoro de la Nación*

Mr. Renzo Favilla, *Dirección Nacional de Asuntos y Controversias Internacionales, Procuración del Tesoro de la Nación*

The Tribunal and the Parties considered the following:

- The Draft Procedural Order No. 1, circulated by the Secretary of the Tribunal on 5 January 2024; and
- The Parties' comments on the Draft Procedural Order, received on 23 January 2024, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.

After the first session, the Parties agreed to send the Tribunal certain additional information and further agreements. Claimant's counsel sent such information and agreements to the Tribunal on 6 February 2024. These agreements transmitted by Claimant's counsel were confirmed by the Argentine Republic on 7 February 2024. On 20 February 2024, the Tribunal requested the Parties' views on certain items of the procedural calendar and the schedule of costs, as well as their comments on the Tribunal's decisions reflected in a new draft Procedural Order. On 27 February 2024, the Parties filed their comments simultaneously. On 7 March 2024, the Tribunal requested that the Parties consider certain points and dates for the hearing(s). On 13 March 2024, the Parties answered the Tribunal's questions.

Having considered the above documents and the Parties' views, the Tribunal issues the following Order:

Order

Pursuant to ICSID Arbitration Rules 27 and 29, this first Procedural Order sets out the procedural rules that shall govern this arbitration. The applicable Procedural Calendar is attached as **Annex B**.

1. **Applicable Arbitration Rules**

Convention Article 44; Arbitration Rule 1

1.1. This arbitration proceeding shall be governed by the ICSID Arbitration Rules in force as of 1 July 2022.

2. **Constitution of the Tribunal and Declarations of the Members of the Tribunal**

Arbitration Rule 21

2.1. The Tribunal was constituted on 27 November 2023, in accordance with the ICSID Convention and the ICSID Arbitration Rules. The Parties confirmed that the Tribunal was properly constituted and that no party had any objection to the appointment of any Member of the Tribunal based on the information provided by each Tribunal member and the information publicly available at the time of the respective appointments after a reasonable search.

2.2. The Members of the Tribunal timely submitted their signed declarations, in accordance with ICSID Arbitration Rule 19(3)(b). The ICSID Secretariat transmitted to the Parties the declarations of the arbitrators, following the respective acceptance of their appointments, on the following dates: (i) the declaration of Mr. Stephen L. Drymer was transmitted to the Parties on 5 October 2023, as well as updated on 11 October and corrected on 28 November 2023; (ii) the declaration of Mr. Luis Alberto González García was transmitted on 10 November 2023; and (iii) the declaration of Ms. Deva Villanúa was transmitted to the Parties on 27 November 2023.

2.3. The Members of the Tribunal confirmed that they have sufficient availability over the next 24 months to devote to this case and that they shall use its best efforts to meet all time limits for orders, decisions and the Award, in accordance with ICSID Arbitration Rule 12(1).

3. Fees and Expenses of the Members of the Tribunal

Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees; Memorandum on Fees and Expenses

- 3.1. The fees and expenses of each Member of the Tribunal shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses in force at the time the fees and expenses are incurred.

4. Presence and Quorum

Arbitration Rule 33

- 4.1. The participation of all Members of the Tribunal by any appropriate means of communication shall be required both at the first session and at case management conferences and hearings, except as otherwise provided in the Arbitration Rules or unless the Parties agree otherwise.
- 4.2. Any decision adopted by the Tribunal shall be the result of prior consultations and deliberations of all Members of the Tribunal. The Tribunal is free to structure the manner in which it conducts such consultations and deliberations as it deems appropriate.

5. Rulings and Orders of the Tribunal

Convention Article 48(1); Arbitration Rules 10, 11(4), 12, 27 and 35

- 5.1. Decisions of the Tribunal shall be taken by a majority of its Members.
- 5.2. Orders, decisions and the Award may be made by any appropriate means of communication.
- 5.3. Orders, decisions and the Award may be signed electronically.
- 5.4. The President is authorized to sign procedural orders and decisions on behalf of the Tribunal.
- 5.5. When the matter is urgent, the President may decide procedural matters without consulting the other Members of the Tribunal, subject to possible reconsideration of such matters by the full Tribunal.
- 5.6. The orders and decisions of the Tribunal shall indicate the reasons upon which they are made.
- 5.7. The Tribunal shall use its best efforts to issue all rulings, including the Award, within the time limits prescribed by the ICSID Arbitration Rules. If the Tribunal cannot comply with an applicable time limit, it shall notify the Parties of the special circumstances justifying the delay and the date when it anticipates rendering the order, decision or Award, in accordance with ICSID Arbitration Rule 12(2). In the event of delays related to the issuance of the Award by the Tribunal, the Tribunal shall provide the Parties with updates every three (3) months.

5.8. Any ruling of the Tribunal, including the certified copy of the Award, shall be dispatched electronically to the Parties.

6. Power to Fix Time Limits

Arbitration Rules 10 and 11

- 6.1. The Tribunal shall fix and extend time limits for the completion of each procedural step in the proceeding under Arbitration Rules 10(1) and 11(3).
- 6.2. In exercising the power to fix and extend time limits under Arbitration Rule 10(1), the Tribunal shall consult with the Parties as far as possible. If the matter is urgent, the President may fix time limits without consulting the Parties or the other Members of the Tribunal pursuant to Arbitration Rule 10(3), subject to possible reconsideration of such decision by the full Tribunal.
- 6.3. In accordance with Arbitration Rules 11(2) and 11(3), the Parties may agree to extend time limits provided that the Tribunal is informed, and efforts are made to avoid disruption of the hearing date set out in **Annex B**. In the event that an extension of time limits may affect the hearing date set out in **Annex B**, the Parties shall consult the Tribunal in advance.

7. Secretary of the Tribunal

Administrative and Financial Regulation 28

- 7.1. The Secretary of the Tribunal is Ms. Catherine Kettlewell, Senior Legal Counsel, ICSID, or such other person as ICSID may designate and 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:

Ms. Catherine Kettlewell
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
U.S.A.
Tel.: + 1 (202) 473-7231
Fax: + 1 (202) 522-2615
Email: ckettlewell@worldbank.org
Paralegal name: Mr. Pedro Magariño
Paralegal email: pmagarino@worldbank.org
ICSID case address: ARB/23/32@icsidcases.worldbank.org

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

Ms. Catherine Kettlewell
ICSID
1225 Connecticut Ave. N.W.

(World Bank C Building)
3rd Floor
Washington, D.C. 20036
U.S.A.
Tel.: +1 (202) 458-1534

8. Assistant to the Tribunal

- 8.1. The Parties agreed, at the Tribunal's proposal, to appoint Mr. Ethan Shannon-Craven, of the firm Devarb, as Assistant to the Tribunal, for the purpose of undertaking such specific tasks as assigned to him by the Tribunal, limited to merely administrative and logistical work for the case. A copy of Mr. Ethan Shannon-Craven's *curriculum vitae* was distributed to the Parties. The Assistant to the Tribunal shall be subject to the same confidentiality obligations as the Members of the Tribunal and has signed a declaration to that effect.
- 8.2. The Parties also agreed that the Assistant to the Tribunal shall be remunerated directly by the President of the Tribunal, with no additional costs to the Parties for his participation in the case, except for the costs associated with his participation in the hearing(s), session(s) or meeting(s), as follows: (i) actual lodging expenses and other charges when traveling to a hearing, session or meeting held outside his place of residence up to, but not exceeding, US\$ 386 per day; and (ii) air (economy class) and ground transportation costs to and from the city where the hearing, session or meeting is held, as described in ICSID's letter of 30 November 2023.
- 8.3. The Tribunal may remove the Assistant to the Tribunal at its discretion. The Tribunal may appoint a substitute Assistant, subject to the prior consent of the Parties. In such case, the Tribunal shall send the Parties the *curriculum vitae* and the declaration of independence and impartiality of the substitute Assistant.

9. Representation of the Parties

Arbitration Rule 2

- 9.1. Each Party shall be represented by its counsel (indicated *below*) and may designate additional agents, counsel, advocates or advisors by notifying the Tribunal and the Secretary of the Tribunal promptly of such designation.

For the Claimant

Ms. Noiana Marigo
Mr. Lluís Paradell
Ms. Hinda Rabkin
Mr. Diego Pérez
Mr. Juan Amado Aranda
Freshfields Bruckhaus Deringer US LLP
3 World Trade Center 175 Greenwich Street
New York, NY 10007
United States of America

For the Respondent

Mr. Rodolfo Carlos Barra
Procurador del Tesoro de la Nación
Mr. Andrés de la Cruz
Subprocurador del Tesoro de la Nación
Ms. Mariana Mabel Lozza
*Directora Nacional, Dirección Nacional
de Asuntos y Controversias*

Emails: noiana.marigo@freshfields.com
lluis.paradell@freshfields.com
hinda.rabkin@freshfields.com
diego.perez@freshfields.com
juan.amadoaranda@freshfields.com

*Internacionales, Procuración del Tesoro
de la Nación*

Ms. Maria Alejandra Etchegorry
*Subdirectora Nacional, Dirección
Nacional de Asuntos y Controversias
Internacionales, Procuración del Tesoro
de la Nación*

Posadas 1641
CP 1112ADC, Buenos Aires
Argentine Republic
Tel.: +54(11) 4804 3482 int. 2468

Email for correspondence:
grupo_ciadi@ptn.gob.ar

E-mail for access to the file sharing
platform (Box): [ciadi-
argentina@ptn.gob.ar](mailto:ciadi-argentina@ptn.gob.ar)

- 9.2. Where there is a relationship between a new legal representative or expert and an arbitrator which, in the opinion of the Tribunal, may create a conflict of interest that could lead to the disqualification of such arbitrator, the Tribunal may take appropriate measures to ensure the integrity of the arbitration, prior consultation with the Parties.

10. Apportionment of Costs and Advance Payments to ICSID – Division of Advances
Convention Article 61(2); Administrative and Financial Regulation 15; Rule 50

- 10.1. The Parties shall cover the direct costs of the proceedings in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 10.2. Upon registration of the request for arbitration, by letter dated 4 August 2023, ICSID requested that the Claimant pay US\$ 200,000 to cover the initial costs of the proceedings through the first session. ICSID received the Claimant's payment on 1 September 2023. Upon constitution of the Tribunal, by letter dated 27 November 2023, ICSID requested that the Parties pay US\$ 400,000 to defray the estimated costs of the subsequent phase of the proceeding. The payment made by the Claimant on 1 September 2023 is considered a partial payment toward the requested advance.
- 10.3. On 27 February 2024, the Respondent indicated that it would not make the requested advance payment due to "the current economic, financial, administrative and social circumstances of the Argentine Republic." On 29 February 2024, the Claimant requested that Argentina comply with ICSID's request to deposit the advance payment and requested that the Tribunal "take into account Argentina's dilatory conduct when deciding on the procedural framework of these proceedings, given that BA Desarrollos may be forced to cover the full cost of the proceedings, subject to the Tribunal's award on costs." On 4 March 2024, the Tribunal acknowledged receipt of such communication and, in accordance with ICSID Administrative and Financial

Regulation 16, the Centre notified the Parties of the default and invited either Party to pay the outstanding amount of US\$ 200,000 by 19 March 2024.

- 10.4. At the time of execution of this Procedural Order, the outstanding amount has not yet been paid.
- 10.5. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account.

11. Place of Proceeding

Convention Articles 62 and 63; Arbitration Rule 32

- 11.1. Washington, D. C. shall be the place of the proceeding. In-person hearings shall be held in Washington, D.C., unless the Parties and the Tribunal agree otherwise. Notwithstanding the foregoing, if the Tribunal determines that, for some extraordinary reason, the hearing must be held at a different location, the Tribunal shall propose an alternative location to the Parties. If the Parties do not agree on the place of the hearing, the hearing shall be held at a place determined by the Tribunal to be the most convenient.
- 11.2. The Members of the Tribunal may deliberate at any place and by any means they consider convenient.

12. Procedural Language(s), Translation and Interpretation

Administrative and Financial Rules 32; Arbitration Rule 7

- 12.1. English and Spanish are the procedural languages of the arbitration.

For communications

- 12.2. Routine, administrative or procedural correspondence addressed to or sent by the ICSID Secretariat, or the Tribunal may be communicated in either procedural language.

For pleadings, reports, statements and supporting documents

- 12.3. Pleadings, expert reports and witness statements shall be filed in either procedural language, provided that a translation into the other procedural language is filed within twenty-one (21) days thereafter.
- 12.4. Written submissions which are not routine, administrative or procedural correspondence (contemplated in § 12.2 above) and which are not provided for in the Procedural Calendar attached hereto as **Annex B** may be filed in either procedural language provided that a translation into the other procedural language is filed within:
 - 12.4.1. the following three (3) days, in the case of submissions of five (5) or fewer pages,
 - 12.4.2. the following fourteen (14) days, in the case of submissions of between six (6) and forty (40) pages, and
 - 12.4.3. the following twenty-one (21) days, in the case of submissions of more than forty (40) pages.

- 12.5. In the cases provided for in §12.3 and §12.4, only the original language version of the pleading, expert report, witness statement or written submission shall be deemed authentic.
- 12.6. Supporting documentation may be filed in either procedural language. The Parties and the Tribunal may cite a document prepared in either procedural language in its original language without the need to translate it into the other procedural language.
- 12.7. The Tribunal may require a Party to translate any document in whole or in part, including documents drafted in either procedural language.
- 12.8. Supporting documentation shall be filed in its original language. The Parties may file supporting documentation originally drafted in other languages (other than the procedural languages), provided that they file a translation of such documentation (or relevant extracts) into English within twenty-one (21) days after its filing in the original language.
- 12.9. Translations need not be certified. In the event of a dispute over the translation filed, the Parties shall attempt to agree on a mutually approved translation and, if necessary, submit the points of contention to the Tribunal for consideration.

For meetings and hearings with the Tribunal

- 12.10. The Parties, the Tribunal, the Secretary of the Tribunal and the Assistant to the Tribunal may use either procedural language at their discretion during procedural meetings and Hearings with the Tribunal. Unless the Parties inform ICSID otherwise, simultaneous interpretation shall be provided from English into Spanish and vice versa.
- 12.11. Having stated the foregoing, procedural meetings shall be preferably conducted in Spanish, allowing any of the participants to express themselves in English if they so prefer.
- 12.12. The Parties shall notify the Tribunal which witnesses or experts require interpretation, as soon as possible and no later than at the Pre-Hearing Organizational Meeting (see **Annex B** below).
- 12.13. The testimony of a witness called for examination during the hearing who wishes to testify in a language other than Spanish or English shall be interpreted simultaneously into both procedural languages.
- 12.14. The costs of interpretation shall be paid from the advance payments made by the Parties, without prejudice to the decision of the Tribunal as to which of the Parties shall ultimately bear such costs.
- 12.15. Documents exchanged between the Parties under §16 below (Production of Documents) may be filed in their original language and need not be translated.

For Procedural Orders of the Tribunal

- 12.16. The Tribunal may initially make any procedural order in either procedural language and, thereafter, in the other procedural language. Both versions shall be equally authentic. The Tribunal may cite a document drafted in either procedural language in its original language.

For the Award and any other decision

12.17. The Tribunal shall render the award and any other decision in English and Spanish simultaneously. Both versions shall be equally authentic.

13. **Routing of Communications**

Arbitration Rule 6

13.1. Each Party's written communications shall be sent by email or via ICSID's file-sharing platform (BOX), in case the size of the files does not permit emailing, to the opposing party, the Tribunal, the Secretary of the Tribunal and the Assistant to the Tribunal.

13.2. Electronic versions of communications to be filed simultaneously (by order of the Tribunal or agreement of the Parties) shall be transmitted to the Secretary of the Tribunal only, who shall send them to the opposing Party, the Tribunal and the Assistant to the Tribunal upon receipt of communications from both Parties.

13.3. The Secretary of the Tribunal shall not be copied on direct communications between the Parties when such communications are not intended to be transmitted to the Tribunal.

13.4. The contact details of the Members of the Tribunal are:

Ms. Deva Villanúa
deva.villanua@devarbitration.com
Príncipe de Vergara 109
28002 Madrid, Spain
+34 650 12 81 74

Mr. Stephen L. Drymer
sdrymer@woods.qc.ca
2000 McGill College Ave., Suite
1700
Montreal, Quebec H3A 3H3
Canada
+1 514 370.8745

Mr. Luis Alberto González García
LuisGonzalezGarcia@matrixlaw.co.uk
Griffin Building, Gray's Inn
London, WC1R 5LN
United Kingdom
+44 (0)20 7404 3447

14. **Number of Copies and Sequence of Parties' Pleadings**

Arbitration Rules 4, 5 and 9

14.1. By the relevant filing date as per Procedural Calendar in **Annex B**, the Parties shall:

14.1.1. Submit by email to the Tribunal, the Secretary of the Tribunal, the Assistant to the Tribunal and the opposing party an electronic version of the pleading with witness statements, expert reports and an index of all supporting documentation (i.e., all documentary exhibits and legal authorities) (the "***Email Filing***");¹ and

14.1.2. Within five (5) business days² following the Email Filing, upload the pleading with all witness statements, expert reports and supporting documentation, as well as an updated and consolidated index of supporting documentation, to the folder that has

¹ Please note that the World Bank server does not accept emails larger than 25 MB.

² "Business days" shall be understood as those in the Argentine Republic or in the United States of America, depending on who has the duty to upload the documents to the shared file folder. At the time of making the Email Filing, the Party benefiting from non-business days other than Saturdays and Sundays shall inform the opposing party, the Tribunal, the Secretary of the Tribunal and the Assistant to the Tribunal of the date on which it will make the filing through the ICSID file-sharing platform (Box).

been created by ICSID for purposes of this case on the ICSID file sharing platform (Box).³ Translations shall be uploaded to Box within the time limit indicated in §12.8. The consolidated index may contain hyperlinks to supporting documentation. Hyperlinks shall be made on a consolidated index of the submissions of both Parties at the pre-hearing stage.

- 14.1.3. To the extent the quality of the digital file so enables, electronic versions of pleadings, witness statements, expert reports, exhibits and legal authorities shall be text searchable (*OCR, PDF or Word*), editable and accessible without a password. Any spreadsheet or *Excel* table that is created by the Parties and/or their experts, as well as those the original format of which is editable, shall be filed in editable format, all formulae shall be visible, and all input data, traceable; data used in the creation of spreadsheets and tables should indicate its source.
- 14.2. All pleadings shall contain consecutively numbered pages and paragraphs, shall include a table of contents and the title of the submission in the heading of each page, and shall be accompanied by a consolidated index of all the supporting documentation that the Party has submitted up to the date of the pleading. The index shall be filed (i) in *PDF* format and (ii) in *Excel* format, following the criteria in **Annex D**. In addition, the supporting documentation index shall indicate the document number, the date of the document, the pleading with which it was submitted, the language of the document, and shall follow the guidelines contained in **Annex A**.
- 14.3. At the conclusion of the written phase of the proceeding, no less than three (3) weeks prior to the commencement of the hearing, the Parties shall upload to the file sharing platform (Box), in a readily downloadable format, an electronic copy 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 of all documents in accordance with **Annex A** and **Annex D**.⁴
- 14.4. The official date of receipt of a pleading or written communication shall be the day on which the electronic version is sent to the Secretary of the Tribunal by email.
- 14.5. A filing shall be deemed timely if sent by a Party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday, or in the case of the Respondent on a holiday in Argentina, or in the case of the Claimant, on a holiday in the United States, the relevant date is the subsequent business day. In the event that the time limit falls on a public holiday in the country of the Claimant or the Respondent, the Party benefiting from the holiday shall inform the counterparty, the Tribunal, the Secretary of the Tribunal and the Assistant to the Tribunal of the holiday and communicate the date of filing.
- 14.6. Minimal delays in the completion of the Email Filing attributable to technical or similar issues shall not be considered a failure to meet the time limit in terms of Arbitration Rule 11(3).

³ Supporting documentation shall be uploaded as individual files, not in “.zip” format.

⁴ To ensure the proper functioning of the hyperlinked index, the entire subfolder shall be housed within one folder and then uploaded to Box as a single “.zip” file. Should the size of the zip file make the upload to Box impossible, the Parties shall upload the organized folder to a designated subfolder on to the Box file sharing platform, including a consolidated (non-hyperlinked) index.

15. Number and Sequence of Pleadings - Procedural Calendar
Arbitration Rule 30

- 15.1. The proceeding will consist of a written phase followed by an oral phase.
- 15.2. The number and sequence of pleadings, as well as the dates on which they shall be filed, are provided in **Annex B**. Any changes to the Procedural Calendar shall be reflected in an updated **Annex B**.
- 15.3. The Parties' first pleadings shall set forth the facts, legal arguments and claims. The Parties shall endeavor to meet their burden of proof in their first pleadings and shall not rely on subsequent submissions to provide evidence of unsubstantiated allegations made in the first pleadings. The Parties' subsequent pleadings shall be limited to responding to the arguments raised by the opposing party in its earlier submission.
- 15.4. Neither Party shall be permitted to submit additional pleadings outside the Procedural Calendar in **Annex B**, unless the Tribunal determines that exceptional circumstances exist based on a reasoned written application by such Party followed by observations from the other Party and without prejudice to the submissions available under the Arbitration Rules and the ICSID Convention.

16. Production of Documents
Convention Article 43(a); Arbitration Rules 5 and 36-40

- 16.1. Each Party may request from the other Party the production of documents to which the requesting Party does not have access, and which are relevant to the case and material to its outcome (the ***Request for the Production of Documents***) on the date set forth for that purpose in **Annex B**.
- 16.2. The Parties agree that the Request for the Production of Documents may not be grounded on the need to prove allegations by the other Party. Such issues shall be determined by the Tribunal based on the rules on burden of proof.
- 16.3. Each Request for the Production of Documents shall contain:
 - 16.3.1. A precise description of each requested document sufficient to identify it or a sufficiently detailed description (including, as far as possible, the subject-matter, author, addressee, estimated dates, etc.) of a narrow and specific category of documents. The Party requesting a specific category of documents shall identify, as far as possible, the start and end dates of that category, as well as indicate the person or entity that issued the documents; and
 - 16.3.2. An explanation as to how the requested documents are relevant to the case and material to its outcome, with reference to paragraphs of the pleadings, witness statements or expert reports of the requesting Party, if applicable.
- 16.4. The Request for the Production of Documents shall be in the format set out in **Annex C**. A copy of the Request for the Production of Documents shall not be sent to the Tribunal or the Secretary of the Tribunal or the Assistant to the Tribunal.

- 16.5. Each Party shall file in writing its responses or objections to the requested documents (the ***Response to the Request for the Production of Documents***), in accordance with the calendar set out in **Annex B** and in the format set out in **Annex C**. The Response to the Request for the Production of Documents shall not be sent to the Tribunal or the Secretary of the Tribunal or the Assistant to the Tribunal. The requesting Party shall file in writing its comments on any responses or objections to the requests for documents, to the extent that there are outstanding disputes in connection with such requests (the ***Reply to the Response to the Request for the Production of Documents***), in accordance with the calendar set out in **Annex B** and in the format set out in **Annex C**. A copy shall be sent to the Secretary of the Tribunal on this occasion.
- 16.6. The documents requested by a Party whose production has not been objected to by the other Party shall be produced by the latter Party on the date specified in **Annex B**.
- 16.7. The Tribunal shall endeavor to resolve any contested document requests within the time limit set out in **Annex B** at the latest. Without prejudice to the applicable provisions of the ICSID Arbitration Rules, the Tribunal may take into consideration Articles 3 and 9 of the *IBA (International Bar Association) Rules on the Taking of Evidence in International Arbitration (2020)*, as well as such other instruments as may serve as a reference.
- 16.8. The Request for the Production of Documents of both Parties, the Response to the Request for the Production of Documents of both Parties and the Reply to the Response to the Request for the Production of Documents of both Parties shall be in English. The Parties need not translate these submissions, except for the Claimant's Request for the Production of Documents, which the Claimant shall file in English and Spanish simultaneously. The Tribunal's decision shall be issued in Spanish.
- 16.9. In the event that a Party's objection is not upheld by the Tribunal, such Party shall produce the requested documents on the date specified in **Annex B**.
- 16.10. Documents produced in accordance with this Section shall be electronically transmitted (via email, file sharing platform or *USB* device) directly to the requesting Party without copying the Tribunal, the Assistant to the Tribunal or the Secretary of the Tribunal, within the time limit set out in **Annex B**, and organized as per the categories indicated in the Request for Documents.
- 16.11. Documents produced in accordance with this Section (either voluntarily or by order of the Tribunal) shall not be considered part of the record unless the requesting party files them as exhibits in accordance with the Procedural Calendar attached hereto as **Annex B** and the terms thereof, or with any other applicable procedural order or decision.

17. Submission of Documents

Convention Article 44; Arbitration Rule 5

- 17.1. 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.

- 17.2. The documents shall be submitted in the manner and form set forth in §14, above. The Parties shall submit documentary evidence only once. Documentary evidence that has been submitted with the main pleadings need not be resubmitted together with the witness statements and expert reports even if referred to in such statements or reports.
- 17.3. The Parties shall make specific reference to the evidence supporting each factual allegation. If an exhibit consists of more than one page, the Parties shall refer to the specific page and paragraph number (if applicable) on which they rely. The Parties may highlight the relevant section of the relevant exhibit.
- 17.4. All documents and other evidence shall be referenced in the respective pleadings of the Parties. The Parties shall refrain from compiling evidence without a specific reference in the submission which it accompanies.
- 17.5. Neither Party shall be permitted to submit additional or responsive documents or other evidence other than the submissions agreed in the Procedural Calendar attached hereto as **Annex B**, unless the Tribunal determines that special circumstances exist based on a timely and reasoned written application followed by observations from the other Party.
 - 17.5.1. Should a Party request leave to file additional or responsive documents, that Party shall refrain from annexing the evidence it intends to file to its application and from disclosing its contents beyond a general description.
 - 17.5.2. If the Tribunal grants such an application for submission of additional or responsive documents, the Tribunal shall ensure that the other Party is afforded sufficient opportunity to make its observations concerning such document and file evidence strictly limited to responding to the submission of additional documents.
- 17.6. The Tribunal may call upon the Parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 36(3).
- 17.7. Documents shall be submitted as follows:
 - 17.7.1. Exhibits and legal authorities shall be numbered consecutively throughout this proceeding.
 - 17.7.2. The number of each exhibit filed by the Claimant shall be preceded by the letter “C-” and that of each legal authority, by “CL-”. The number of each exhibit filed by the Respondent shall be preceded by the letter “R-” and that of each legal authority, by “RL-”.
 - 17.7.3. Except in the case of several documents intended to prove the quantification of the same category of damages (*e.g.*, invoices), a Party shall not file several documents relating to the same subject-matter as a single exhibit. This rule shall not apply to exhibits already filed by the Claimant with its Request for Arbitration.
 - 17.7.4. Exhibits and legal authorities shall be numbered consecutively throughout this proceeding, commencing with “C-001” and “R-”, and “CL-001” and “RL-001”, respectively. The numbering shall indicate the language of the document, *e.g.*, C-001-ENG for a document submitted only in English, C-001-SPA for a document submitted only in Spanish, and C-001-ENG/SPA for a document submitted simultaneously in English and Spanish. The number of the exhibit or legal authority may appear on the first page of the document, and shall be incorporated into the file name in accordance with §17.7.5 below.

- 17.7.5. Electronic files and indexes shall follow the guidelines contained in **Annex A**.
- 17.8. Copies of documentary evidence shall be assumed to be authentic and complete, unless specifically objected to by the other Party, in which case the Tribunal shall determine whether authentication is necessary.
- 17.9. At the hearing (or hearings if applicable), the Parties may use *PowerPoint* slides and demonstrative exhibits (such as charts, tables, etc. compiling information that is on record but has not been presented in that form), provided that they (i) identify the source in the record from which the information is derived, and (ii) do not contain new information or evidence not in the record.
- 17.10. The Party intending to use demonstrative exhibits during the hearing (or hearings if applicable) shall number them (preceded by “CD-” for the Claimant and “RD-” for the Respondent) and distribute an electronic copy via email to the entire email distribution list for each Party, the Members of the Tribunal, the Secretary of the Tribunal, the Assistant to the Tribunal, court reporters and interpreters, as necessary, 10 minutes prior to their intended use.
- 17.11. In addition, promptly after the conclusion of the hearing day on which the relevant demonstrative exhibit is used, the Parties shall upload such demonstrative exhibit to the case folder on the Box file sharing platform, designating each with the corresponding “**CD-**” or “**RD-**” number.

18. Witness Statements and Expert Reports
Convention Article 43(a); Arbitration Rule 38

- 18.1. Witness statements and expert reports shall be filed together with the Parties’ pleadings. The witness statements and expert reports filed with the Reply and the Rejoinder shall refer to the arguments or positions expressed by the opposing party or its witnesses or experts in their immediately preceding submission.
- 18.2. The Tribunal shall not admit any witness statement that has not been filed together with the pleadings, unless the Tribunal determines that exceptional circumstances exist based on a reasoned request, followed by observations from the other Party (following the procedure outlined in §17.5 above).
- 18.3. Each witness statement shall be signed and dated by the witness and include:
- 18.3.1. A disclosure statement detailing any past and present relations of the witness with any Party, counsel or Member of the Tribunal;
- 18.3.2. A description of the witness’s position and qualifications, if relevant;
- 18.3.3. The sources of the witness’s information as to the facts contained in the witness statement, sufficient to serve as that witness’s evidence in the matter in dispute;
- 18.3.4. Any documents on which the witness relies that have not already been submitted (which shall be sequentially numbered as documents, as indicated in **Annex A**);
- 18.3.5. A statement as to the language in which the witness statement was originally prepared and the language in which the witness anticipates giving testimony at the hearing; and

- 18.3.6. A declaration confirming that the witness has not received any payment for the preparation of the witness statement or, as the case may be, that it has not received any payments beyond (i) reimbursement of the expenses incurred during the preparation of the witness statement and/or (ii) reasonable compensation for the time devoted to preparing the witness statement, indicating, in the latter case, the total amount of such compensation.
- 18.3.7. An affirmation of the truth of the witness statement.
- 18.4. Witness statements shall be submitted in a searchable electronic file format and have consecutive numbering on pages, headings and paragraphs.
- 18.5. It shall not be improper for a Party, its officers, employees, counsel or other representatives to interview its witnesses or potential witnesses, discuss their prospective testimony with them, and prepare their witness statements.
- 18.6. Expert reports shall be dated and signed by the expert and contain:
 - 18.6.1. The full name of the expert or experts;
 - 18.6.2. A disclosure statement detailing any past and present relations of the expert with any Party, counsel or Member of the Tribunal;
 - 18.6.3. A brief description of the expert's or experts' qualifications;
 - 18.6.4. A brief description of the instructions pursuant to which the expert is providing his or her opinions and conclusions;
 - 18.6.5. A statement as to the expert's independence from the Parties, their counsel and the Tribunal;
 - 18.6.6. A statement of the facts on which the expert's opinions and conclusions are based;
 - 18.6.7. The expert's opinions and conclusions, including a description of the methods, evidence and information used in arriving at the conclusions;
 - 18.6.8. The documents relied on by the expert in the preparation of his or her report, which, unless already filed by the Parties, shall be provided as exhibits to the report (which may have their own sequential numbering in accordance with **Annex A**); any spreadsheet or table prepared by the expert, as well as those the original format of which is editable, shall be editable, and all formulae shall be visible; data used in the creation of spreadsheets and tables shall indicate its source; and
 - 18.6.9. An affirmation of the expert's genuine belief in the opinions expressed in the report.
- 18.7. Expert reports shall be submitted in a searchable electronic file format and have consecutive numbering on pages, headings and paragraphs, as well as a detailed table of contents.

19. Examination of Witnesses and Experts
Arbitration Rule 38

- 19.1. A Party may be called upon by the opposing party to present at the hearing for cross-examination any fact or expert witness whose written testimony has been advanced

with the pleadings. Each Party may also request that the Tribunal subpoena a witness or expert who has not been called for cross-examination by the opposing party, stating the reasons for the request. In the event that the Tribunal admits such request, the opposing party shall inform whether it wishes to cross-examine the witness or expert on the following business day. The Tribunal shall issue its decision as soon as possible.

- 19.2. The Tribunal may disregard the testimony of a witness or expert called to testify at the hearing who fails to appear at the hearing for no justifiable reasons. Examination by video-conference may be permitted for justifiable reasons at the discretion of the Tribunal.
- 19.3. The Tribunal may call any witness or expert to testify, even if his or her cross-examination or testimony at the hearing has not been proposed by the Parties. The Tribunal may make use of this prerogative in order to ensure a balanced representation of the Parties' witnesses and experts at the Hearing.
- 19.4. A Party shall notify which witnesses and experts it intends to call for cross-examination or propose to testify at the hearing on the dates specified in the Procedural Calendar in **Annex B**. Shortly after the Parties' notifications, the Tribunal shall indicate, which witnesses or experts, not called by the Parties, it wishes to examine, if any, as provided in **Annex B**.
- 19.5. Witnesses and experts shall be examined by each Party under the control of the Tribunal in accordance with the established hearing agenda.
- 19.6. Other rules governing the examination of witnesses and experts shall be agreed upon by the Parties prior to the hearing and, in the absence of agreement, shall be decided by the Tribunal after the pre-hearing organizational meeting.

20. Application of Soft Law

- 20.1. Notwithstanding the fact that this proceeding is governed by the ICSID Arbitration Rules, the Tribunal may, when issuing orders and decisions necessary for the conduct of the proceeding, refer to other rules that may be relevant, to the extent that they do not conflict with the ICSID Convention, the ICSID Arbitration Rules or the ICSID Administrative and Financial Regulations.

21. Pre-Hearing Organizational Meeting

- 21.1. A pre-hearing organizational meeting shall be held on a date to be determined by the Tribunal after consultation with the Parties, but at least 45 days prior to the first day of the hearing. It shall comprise a videoconference between the Tribunal and the Parties, and should address any outstanding procedural, administrative and logistical matters (including, for example, the method of interpretation and transcription) in preparation for the hearing.
- 21.2. Within seven (7) days after the pre-hearing organizational meeting is held, a procedural order shall be issued by the Tribunal reflecting the decisions made regarding the organization of the hearing.

22. Case Management Conferences

Arbitration Rule 31

- 22.1. The Tribunal may convene case management conferences with the Parties in accordance with ICSID Arbitration Rule 31 in order to (i) identify uncontested facts (e.g., through a joint chronology of facts); (ii) clarify and narrow the issues in dispute (e.g., through questions from the Tribunal and/or skeleton arguments); or (iii) address any other procedural or substantive issues related to the resolution of the dispute (e.g., appointment of a Tribunal-appointed expert, or production of evidence). Such a case management conference may be held after the second round of written submissions, after consultation with the Parties.

23. Hearings

Arbitration Rule 32

- 23.1. The oral procedure shall consist of a hearing for examination of witnesses and expert witnesses, if any, and for oral arguments.
- 23.2. Hearings on strictly procedural matters shall, in principle, be held virtually, unless the Tribunal considers that, given their relevance and after consultation with the Parties, attendance should be physical, not virtual.
- 23.3. Hearings on jurisdiction and/or the merits shall, in principle, be held in person or in a hybrid format, unless the Tribunal, for reasons of compelling necessity, decides to conduct them virtually, after consultation with the Parties.
- 23.4. If any hearing on jurisdiction or on any substantive issue does not provide for the examination of witnesses or experts, the Tribunal shall consult with the Parties as to whether their preference is to hold such hearing in person or to conduct it virtually.
- 23.5. The hearing shall take place on the dates set forth in **Annex B**.
- 23.6. The Members of the Tribunal shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 23.7. Any other aspects relating to the hearing (or hearings, if applicable) shall be agreed by the Parties or decided by the Tribunal in the procedural order regarding the organization of the hearing as stipulated in §21.2.

24. Recordings and Transcripts of Hearings and Sessions

Arbitration Rule 29(4)(i)

- 24.1. Recordings shall be made of all hearings and sessions. The recordings shall be provided to the Parties, the Members of the Tribunal and the Assistant to the Tribunal.
- 24.2. Verbatim transcripts shall be made in the procedural language(s) of any hearing and session other than sessions on procedural issues. Verbatim transcripts shall be made

available in real time and daily transcripts in electronic format shall be provided to the Parties, the Tribunal and the Assistant to the Tribunal on a same-day basis.

- 24.3. For any hearing or session not dealing with procedural issues, the Parties shall agree on a process and schedule for revising transcripts. The agreed corrections shall be entered by the Parties 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 Parties in the revised transcripts.

25. Post-Hearing Briefs and Statements of Costs

Convention Article 44; Arbitration Rule 51

- 25.1. At the end of the hearing, the Tribunal shall consult with the Parties as to whether they shall submit Post-Hearing Briefs, as well as to determine the filing date and further details related to such written submissions. In addition, at the end of the hearing, the Tribunal shall issue directions regarding the Parties’ statements of costs. Notwithstanding any subsequent provision in relation to statements of costs, the Parties agree to submit the breakdown of costs in accordance with **Annex E**.

26. Data Privacy and Cybersecurity

- 26.1. The Members of the Tribunal, the Assistant to the Tribunal, the Parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this arbitration proceeding.
- 26.2. The Members of the Tribunal, the Assistant to the Tribunal, the Parties and their representatives agree to comply with all relevant data protection and privacy regulations in the jurisdiction applicable to each of them. Should compliance with applicable law require action from another participant in the proceeding, the Parties are invited to bring that to the attention of that other participant and/or to apply to the Tribunal for specific data protection measures to be put in place.
- 26.3. The Parties and their representatives shall ensure that the storage and exchange of the personal data processed in this arbitration are protected in accordance with the regulations applicable to each of them.

27. Amicable Dispute Settlement

- 27.1. The Tribunal notes that the Parties may seek to reach an amicable settlement of all or part of the dispute, at any time in the proceeding. If the Parties settle the dispute in full, they may request that the Tribunal issue an order taking note of the discontinuance of the proceeding or embody their settlement in its Award, pursuant to ICSID Arbitration Rule 55(2).

On behalf of the Tribunal,

[Signed]

Ms. Deva Villanúa
President of the Tribunal
Date: 15 March 2024

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Annex A - Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files and for the consolidated hyperlinked index. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase and the specific case.

All pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (*e.g.*, SPA = Spanish; FR = French; ENG = English). Such indication should be reflected both (i) in the name used to identify each individual electronic file and (ii) in the consolidated hyperlinked table of contents (which shall be attached to each submission).

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading-LANGUAGE
	<i>Memorial on Jurisdiction</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction</i>
	<i>Reply</i>
	<i>Rejoinder</i>
SUPPORTING DOCUMENTATION	
Exhibits	C-####-LANGUAGE
	R-####-LANGUAGE
	To be numbered consecutively throughout the proceeding
	CLAIMANT’S FACTUAL EXHIBITS
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001-SPA</i>
<i>R-0002-SPA</i>	
Legal Authorities	CL-####-LANGUAGE
	RL-####-LANGUAGE
	To be numbered consecutively throughout the proceeding
	CLAIMANT’S LEGAL AUTHORITIES
	<i>CL-0001-ENG</i>
	<i>CL-0002-SPA</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</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement]</i>

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Expert Reports	<i>Expert Report-Name of Expert-Type-Name of Submission-LANGUAGE</i>
	<i>Expert Report-Lucia Smith-Quantum-Memorial on Damages</i>
	<i>Expert Report-Lucia Smith-Quantum-Reply on Damages-[Second Report]</i>
Legal Opinions	<i>Legal Opinion-Name of Expert-Name of Submission-LANGUAGE</i>
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion]</i>
Exhibits to Witness Statements, Expert Reports, Legal Opinions	WITNESS/EXPERT INITIALS-###
	For exhibits filed with the Witness Statement of [Maria Jones]
	<i>MJ-0001</i>
	<i>MJ-0002</i>
	For exhibits filed with the Legal Opinion of [Tom Kaine]
	<i>TK-0001</i>
	<i>TK-0002</i>
	For exhibits filed with the Expert Report of [Lucia Smith]
	<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-RL-### to RL-###
	<i>Index of Legal Authorities-RL-0001 to RL-0023</i>
OTHER APPLICATIONS	Name of Application-[Party]-LANGUAGE
	<i>Request for Provisional Measures-[Respondent]</i>
	<i>Request for the Production of Documents-[Claimant]</i>
	<i>Request for Termination-[Claimant]</i>
	<i>Post-Hearing Brief-[Claimant]</i>
	<i>Statements of Costs-[Respondent]</i>
<i>Observations to Request for [XX]-[Claimant]</i>	

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Procedural Order No. 1 - Exhibit B

Annex B - Procedural Calendar

Scenario without Request for Bifurcation			
Description	Party/Tribunal	Interval	Date
First Session	All		Friday, 26/01/24
Memorial	Claimant	63	Friday, 29/03/24
Counter-Memorial (and Jurisdictional Objections)	Respondent	101	Monday, 08/07/24
Request for the Production of Documents	Parties	12	Monday, 22/07/24
Response to the Request for the Production of Documents	Parties	12	Monday, 05/08/24
Reply to the Response to the Request for the Production of Documents	Parties	7	Monday, 12/08/24
Production of documents which are not subject to objections	Parties	7	Monday, 19/08/24
Decision on the Production of Documents	Tribunal	14	Monday, 26/08/24
Production of the remaining documents	Parties	14	Monday, 09/09/24
Reply on the Merits (and Counter-Memorial on Jurisdictional Objections)	Claimant	69	Monday, 18/11/24
Rejoinder on Merits	Respondent	94	Thursday, 20/02/25
Notification of witnesses and experts from the opposing party called for cross-examination	Parties	14	Thursday, 06/03/25
Request for presentation of own witnesses and experts called to testify at the hearing	Parties	7	Thursday, 13/03/25
Notification of witnesses and experts not called by the Parties that the Tribunal wishes to examine (and, if applicable, decision on the request for presentation of own witnesses and experts called to testify at the hearing)	Tribunal	7	Thursday, 20/03/25
Notification of intention to use or not to use reserved days	Parties	1	Friday, 21/03/25
Pre-Hearing Organizational Meeting	All	3	Monday, 24/03/25
Upload to Box hyperlinked case file for hearing	Parties	21	Monday, 14/04/25
Hearing on the Merits (and Jurisdictional Objections)	All	21	5 May 2025 to 9 May 2025 (with 12 and 13 May 2025 in reserve)

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Scenario with Request for Bifurcation Granted			
Description	Party/Tribunal	Interval	Date
First Session	All		Friday, 26/01/24
Memorial	Claimant	63	Friday, 29/03/24
Request for the production of documents related to preliminary objections	Respondent	10	Monday, 08/04/24
Observations on the request for the production of documents related to preliminary objections	Claimant	10	Thursday, 18/04/24
Decision on the request for the production of documents related to preliminary objections	Tribunal	10	Monday, 29/04/24
Production of documents related to preliminary objections (if applicable)	Claimant	10	Thursday, 09/05/24
Request for Bifurcation	Respondent	45	Monday, 24/06/24
Observations on the Request for Bifurcation	Claimant	45	Thursday, 08/08/24
Decision on Bifurcation (granting bifurcation)	Tribunal	30	Monday, 09/09/24
Memorial on Preliminary Objections	Respondent	30	Wednesday, 09/10/24
Counter-Memorial on Preliminary Objections	Claimant	60	Monday, 09/12/24
Reply on Preliminary Objections	Respondent	47	Monday, 27/01/25
Rejoinder on Preliminary Objections	Claimant	47	Monday, 17/03/25
Notification of intention to use or not to use reserved days	Parties	29	Tuesday, 15/04/25
Hearing on Preliminary Objections	All	98	22 July 2025 (with 21 July 2025 in reserve)
Award or Decision on Preliminary Objections	Tribunal	180	Monday, 19/01/26
<i>In the event that the proceeding continues after a Decision on Preliminary Objections, the proceeding on the merits shall follow</i>			
Counter-Memorial (and Residual Jurisdictional Objections)	Respondent	98	Monday, 27/04/26
Request for the Production of Documents	Parties	12	Monday, 11/05/26
Response to the Request for the Production of Documents	Parties	12	Monday, 25/05/26
Reply to the Response to the Request for the Production of Documents	Parties	7	Monday, 01/06/26
Production of documents which are not subject to objections	Parties	7	Monday, 08/06/26
Decision on the Production of Documents	Tribunal	14	Monday, 15/06/26

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Production of the remaining documents	Parties	14	Monday, 29/06/26
Reply on the Merits (and Counter-Memorial on Residual Jurisdictional Objections)	Claimant	65	Wednesday, 02/09/26
Rejoinder on the Merits	Respondent	90	Tuesday, 01/12/26
Notification of witnesses and experts from the opposing party called for cross-examination	Parties	14	Tuesday, 15/12/26
Request for presentation of own witnesses and experts called to testify at the hearing	Parties	7	Tuesday, 22/12/26
Notification of witnesses and experts not called by the Parties that the Tribunal wishes to examine (and, if applicable, decision on the request for presentation of own witnesses and experts called to testify at the hearing)	Tribunal	7	Tuesday, 29/12/26
Notification of intention to use or not to use reserved days	Parties	1	Wednesday, 30/12/26
Pre-Hearing Organizational Meeting	All	5	Monday, 04/01/27
Upload to Box hyperlinked case for hearing	Parties	14	Monday, 18/01/27
Hearing on the Merits (and Residual Jurisdictional Objections)	All	21	8 February 2027 to 12 February 2027 (with 15 and 16 February 2027 in reserve)

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Scenario with Request for Bifurcation Denied			
Description	Party/Tribunal	Interval	Date
First Session	All		Friday, 26/01/24
Memorial	Claimant	63	Friday, 29/03/24
Request for the production of documents related to preliminary objections	Respondent	10	Monday, 08/04/24
Observations on the request for production of documents related to preliminary objections	Claimant	10	Thursday, 18/04/24
Decision on request for the production of documents related to preliminary objections	Tribunal	10	Monday, 29/04/24
Production of documents related to preliminary objections (if applicable)	Claimant	10	Thursday, 09/05/24
Request for Bifurcation	Respondent	45	Monday, 24/06/24
Observations on the Request for Bifurcation	Claimant	45	Thursday, 08/08/24
Decision of Bifurcation (denying bifurcation)	Tribunal	30	Monday, 09/09/24
Counter-Memorial and-Jurisdictional Objections	Respondent	75	Monday, 25/11/24
Request for the Production of Documents	Parties	12	Monday, 09/12/24
Response to the Request for the Production of Documents	Parties	12	Monday, 23/12/24
Reply to the Response to the Request for the Production of Documents	Parties	7	Monday, 30/12/24
Production of documents which are not subject to objections	Parties	7	Monday, 06/01/25
Decision on the Production of Documents	Tribunal	14	Monday, 13/01/25
Production of the remaining documents	Parties	14	Monday, 27/01/25
Reply on the Merits and Counter-Memorial on Jurisdictional Objections	Claimant	69	Monday, 07/04/25
Rejoinder on the Merits	Respondent	94	Thursday, 10/07/25
Notification of witnesses and experts from the opposing party called for cross-examination	Parties	14	Thursday, 24/07/25
Request for presentation of own witnesses and experts called to testify at the hearing	Parties	7	Thursday, 31/07/25
Notification of witnesses and experts not called by the Parties that the Tribunal wishes to examine (and, if applicable,	Tribunal	7	Thursday, 07/08/25

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decision on the request for presentation of own witnesses and experts called to testify at the hearing)			
Notification of intention to use or not to use reserved days	Parties	1	Friday, 08/08/25
Pre-Hearing Organizational Meeting	All	3	Monday, 11/08/25
Upload to Box hyperlinked case file for hearing	Parties	49	Monday, 29/09/25
Hearing on the Merits and Jurisdictional Objections	All	21	20 October 2025 to 24 October 2025 (with 27 and 28 October 2025 in reserve)

Annex C - Sample Redfern Table for Document Requests

Document Request No.	
A. Document(s) or category of document(s) requested	
B. Relevance and materiality, including (i) references to paragraphs in written submissions; (ii) statement on custody and control	
C. Objections to Document Request No. (500 words max.)	
D. Reply to Objections to Document Request No. (500 words max.)	
E. Tribunal's Decision on Document Request No.	

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Annex D - Consolidated List of Main Submissions

Submission	No.	Date	Description
	R-X	DD.MM.YYYY	
	RL-X	DD.MM.YYYY	
	C-X	DD.MM.YYYY	
	CL-X	DD.MM.YYYY	

Annex E - Breakdown of Costs

**ANNEX E
STATEMENT OF COSTS**

Preliminary objections and objections to jurisdiction			
Description	Invoice #	Date [dd.mm.yyyy]	USD amount or conversion
Attorneys' fees			
Attorneys' expenses			
Local counsel's fees (if applicable)			
Local counsel's expenses (if applicable)			
Experts' fees			
Experts' expenses			
Translations			
Other (...)			
Total			\$ -

Submissions on the merits			
Description	Invoice #	Date [dd.mm.yyyy]	USD amount or conversion
Attorneys' fees			
Attorneys' expenses			
Local counsel's fees (if applicable)			
Local counsel's expenses (if applicable)			
Experts' fees			
Experts' expenses			
Translations			
Other (...)			
Total			\$ -

Document production phase			
Description	Invoice #	Date [dd.mm.yyyy]	USD amount or conversion

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Fees incurred in the preparation of Document Production Requests			
Fees incurred in the preparation of Responses/Replies to Document Production Requests			
Total			\$ -

Hearings			
Description	Invoice #	Date [dd.mm.yyyy]	USD amount or conversion
Attorneys' fees			
Attorneys' expenses			
Local counsel's fees (if applicable)			
Local counsel's expenses (if applicable)			
Experts' fees			
Experts' expenses			
Other (...)			
Total			\$ -

Fees and Expenses of the Arbitral Tribunal, the Assistant to the Tribunal and ICSID			
Description	Invoice #	Date [dd.mm.yyyy]	USD amount or conversion
ICSID lodging fees			
Advances to ICSID			
Total			0

Total			\$ -
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* The phases in this annex are tentative. The parties may include new phases according to the development of the arbitration proceeding.