

In the Matter of an Arbitration

Under the Rules of the International Centre for the Settlement of  
Investment Disputes

Between

TOKIOS TOKÉLES

-and-

UKRAINE

Case No. ARB/02/18

Order No. 5

4 November 2005

The Tribunal gives the following Directions;

1. *Date of hearing.*

The hearing on jurisdiction and merits will commence on 16 January 2006. Four days are allotted to the hearing.

2. *Venue.*

The hearing will take place in Paris, France at the offices of the World Bank.

3. *Attendance of Witnesses.*

Not later than 1 December 2006 each party shall notify to the other the names of the latter's witnesses, both expert witnesses and witnesses of fact, whom it wishes to attend for oral examination at the hearing. The Tribunal reserves the right itself to call for the attendance of witnesses.

4. *Evidence of Witnesses.*

The contents of each witness statement shall stand as the direct evidence of the respective witness. Counsel for the party calling the witness

will therefore not be required to conduct a direct oral examination, but may do so to the extent of such small number of questions as may be required for the purpose of clarification or to deal with matters arising since the statements were made. Counsel for the opposing party may only cross-examine the witness within the limits of the witness' written statement or report. Counsel for the party calling the witness may only re-examine the witness on questions that have arisen during that witness' cross-examination.

5. *The Hearing on the Merits*

At the hearing on the merits, both parties should address, as a separate issue, the question whether claims with respect to Taki spray 2 are within the Tribunal's jurisdiction.

6. *Opening Statements.*

At the commencement of the hearing each party shall be permitted to make an oral opening statement, not exceeding one-half of a day on each side.

7. The parties will liaise with each other and with the Secretariat concerning interpretation, recording of the proceedings and other administrative matters, informing the Tribunal of any agreement reached and of any further directions required. The Chairman will then make a further order on behalf of the Tribunal.

.....Signed.....

M J Mustill: Chairman

4 November 2005