

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

**Marco Gavazzi and Stefano Gavazzi v. Romania  
(ICSID Case No. ARB/12/25)**

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**PROCEDURAL ORDER NO 6**

Prof. Hans van Houtte, President of the Tribunal  
Mr. V. V. Veeder, Arbitrator  
Mr. Mauro Rubino-Sammartano, Arbitrator

*Secretary of the Tribunal*  
Ms. Martina Polasek

**May 9, 2015**

**I. Background**

1. On April 21, 2015, the Tribunal issued its Decision on Jurisdiction, Admissibility and Liability (the Decision), including the Dissenting Opinion of Mr. Mauro Rubino-Sammartano (the Dissent). The Decision and Dissent were dispatched to the parties by email and by courier on the same date. As a result of the Tribunal's Decision, the parties were invited to confer concerning the procedural timetable for the proceedings on quantum, and to revert to the Tribunal by May 5, 2015 with any joint or separate proposals.
2. By communications of April 22 and 27, 2015, the Claimants approached the Respondent proposing that the next procedural step should be a submission from the Respondent on quantum, as a response to the Claimants' Brief on Damages and Expert Report on Damages filed on July 15, 2013. The Claimants proposed that the Respondent be allowed 60 days to prepare its submission, followed 30 days later by a submission from the Claimants, with a hearing on Quantum to follow. The Respondent disagreed with this proposal and indicated that it would revert to the Tribunal with a separate proposal.
3. On May 5, 2015, the Respondent provided its proposal, suggesting that the Claimants first file a particularization of their Brief on Damages within 60 days, tailored to address the Tribunal's Decision. The Respondent proposed that it would then file its Counter-Memorial on Quantum within 90 days of the Claimants' submission, followed by the Claimants' Reply within 30 days of the Counter-Memorial, and the Respondent's Rejoinder within 45 days of the Reply. A hearing on quantum would take place after these two rounds of written submissions.
4. By letter of May 6, 2015, the Claimants reiterated their position that the next procedural step should be the Respondent's submission on quantum. According to the Claimants, the circumstances do not require the revision or resubmission of the July 15, 2013 Brief on Damages and Expert Report. The Claimants did not object to a 90-day time limit for the Respondent to file a submission, and proposed that the Claimants be given 30 days to respond to such submission. By email of May 8, 2015, the Respondent responded to the Claimants' letter of May 6, 2015 reiterating its position.

**II. The Tribunal's Decision**

5. Having considered the submissions of the parties concerning the next procedural steps and its Decision, the Tribunal finds appropriate that the Claimants supplement their Brief on Damages of July 15, 2013 before the Respondent's counter-memorial on quantum. The Claimants should elaborate on the methodology adopted by their Expert (which was *inter alia* based on a draft Letter of Intent and Business Plan from 2002). In addition, the

Claimants should complete and qualify their case on quantum based on the Decision (*see* in particular paragraphs 241 and 242 of the Decision).

6. As a result, the Tribunal proposes the below procedural timetable for the parties' comments by Tuesday, May 12, 2015, including the number of days required for a hearing. The Tribunal will subsequently promptly decide on the written schedule and propose dates for the hearing.

On behalf of the Tribunal

[signed]

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Prof. Hans van Houtte,  
President of the Tribunal

**Annex A – Procedural Timetable**

<b>Date / Period of Time</b>	<b>Party / Tribunal</b>	<b>Description</b>
(within 60 days of this Order)  July 8, 2015	CLAIMANTS	Supplemental Brief on Quantum
(90 days from Supplemental Brief)  October 6, 2015	RESPONDENT	Counter-Memorial on Quantum
(30 days from Counter-Memorial)  November 5, 2015	CLAIMANTS	Reply on Quantum
(30 days from Reply)  December 7, 2015	RESPONDENT	Rejoinder on Quantum
<b>TBD</b>	ALL	Pre-hearing Organizational Meeting
<b>TBD</b>	ALL	Hearing on Quantum