

**International Centre for  
Settlement of Investment Disputes**

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**GEA GROUP AKTIENGESELLSCHAFT**

*Claimant*

**v.**

**UKRAINE**

*Respondent*

ICSID Case No. ARB/08/16

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**Procedural Order No. 5**

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Rendered by an Arbitral Tribunal composed of:

Professor Albert Jan van den Berg, President

Toby Landau QC, Arbitrator

Professor Brigitte Stern, Arbitrator

Ms. Aïssatou Diop, Secretary of the Arbitral Tribunal

**CONSIDERING:**

- (A) Procedural Order No. 3 dated 19 March 2010 regarding production of documents by Respondent;
- (B) Claimant's letter to ICSID of 13 April 2010 requesting leave of the Tribunal to file an additional submission on or before 15 May 2010 concerning financial documents of Oriana produced to Claimant by Respondent on 12 April 2010;
- (C) Counsel for Respondent's e-mail to ICSID of 13 April 2010 advising that he was seeking instructions from his client and would revert once instructions had been received, noting that the documents concerned constituted 41 pages in the original Ukrainian and 68 pages of English translation, and stating that Claimant's proposed period for making an additional submission was "unreasonable, unnecessary and unfair";
- (D) Claimant's e-mail to ICSID of 13 April 2010 seeking the Tribunal's guidance on its application in advance of the 15 April 2010 deadline for filing the Reply;
- (E) Respondent's letter to ICSID of 14 April 2010 proposing a deadline of 21 April 2010 for the additional submission referred to in Recital (B), proposing an extension of the deadline for the filing of Respondent's Rejoinder until 21 June 2010, and proposing an extension of the deadline for witness notification until 25 June 2010;
- (F) Claimant's letter to ICSID of 14 April 2010 objecting to the Respondent's proposals referred to in Recital (E) and reiterating its request for leave to file an additional submission by 15 May 2010;
- (G) Respondent's e-mail to ICSID of 14 April 2010, noting "the Tribunal's previous guidance not to make further submissions without first seeking leave", and seeking the Tribunal's guidance as to how to proceed with its response to Claimant's letter referred to in Recital (F);
- (H) The deadline of 15 April 2010 for the filing of Claimant's Reply;
- (I) The deadline of 15 June 2010 for the filing of Respondent's Rejoinder;
- (J) The Hearing in this case set for 5 – 9 July 2010;

- (K) The Tribunal's view that Claimant should have an opportunity to make a submission concerning the financial documents referred to in Recital (B);
- (L) The Tribunal's view that, if the time accorded to Claimant to make a submission as referred to in Recital (K) is appropriately limited, Respondent will not be prejudiced by being required to include any response to such submission in its Rejoinder to be filed by 15 June 2010;

**THE ARBITRAL TRIBUNAL HEREBY DECIDES AS FOLLOWS:**

1. The Claimant may file, on or before 29 April 2010, a submission concerning the financial documents referred to in Recital (B).
2. Any response that Respondent wishes to make to any submission filed in accordance with 1, above, is to be included in its Rejoinder due to be filed by 15 June 2010.

Date: 21 April 2010

On behalf of the Arbitral Tribunal

[signed]

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Albert Jan van den Berg,  
President