

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Scholz Holding GmbH v. Kingdom of Morocco

v.

Kingdom of Morocco

(ICSID Case No. ARB/19/2)

PROCEDURAL ORDER NO. 1

Members of the Tribunal

Mr. Alexis Mourre, President of the Tribunal
Professor Zachary Douglas QC, Arbitrator
Professor Nassib G. Ziadé, Arbitrator

Secretary of the Tribunal

Mr. Francisco Abriani

Assistant to the Tribunal

Ms. Marina Matousekova

11 September 2019

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Introduction

The first session of the Tribunal was held on 23 August 2019, at 6 p.m. CET, by telephone conference. The session was adjourned at 6:40 p.m.

An audio recording of the session was made and deposited in the archives of ICSID. The recording was distributed to the Members of the Tribunal and the parties.

Participating in the conference were:

Members of the Tribunal

- Mr. Alexis Mourre, President of the Tribunal
- Professor Zachary Douglas QC, Arbitrator
- Professor Nassib G. Ziadé, Arbitrator

ICSID Secretariat:

- Mr. Francisco Abriani, Secretary of the Tribunal

Assistant to the Tribunal:

- Ms. Marina Matousekova

Participating on behalf of the Claimant:

- Mr. Hussein Haeri, Withers LLP
- Ms. Camilla Gambarini, Withers LLP
- Ms. Ruzin Dagli, Withers LLP

Participating on behalf of the Respondent:

- Mr. Dany Khayat, Mayer Brown
- Mr. José Caicedo, Mayer Brown
- Ms. Joy Kreidi, Mayer Brown
- Ms. Laila Slassi, Afrique Advisors
- Ms. Maroua El Alouaoui, Afrique Advisors
- Mr. Saïd Maghraoui Hassani, Directeur de la défense et de la réglementation commerciale – Ministère de l'Industrie, de l'Investissement, du Commerce et de l'Economie Numérique
- Mr. Mohammed Berredouane El Idrissi, Chef de la division de la défense commerciale – Ministère de l'Industrie, de l'Investissement, du Commerce et de l'Economie Numérique
- Ms. Hind Benmoussa, Juriste à la division de la défense commerciale – Ministère de l'Industrie, de l'Investissement, du Commerce et de l'Economie Numérique
- Mr. Zakaria Laghzaoui, Représentant de l'Agence Judiciaire du Royaume – Ministère de l'Economie et des Finances

The Tribunal and the parties considered the following:

- The Draft Agenda circulated by the Tribunal Secretary on 9 August 2019;
- The Draft Procedural Order circulated to the parties by the Tribunal Secretary on 9 August 2019; and
- The parties' comments on the Draft Agenda and the Draft Procedural Order received on 21 August 2019, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.

Following the session, the Tribunal now issues the present Order:

Order

Pursuant to ICSID Arbitration Rules 19 and 20, this first Procedural Order sets out the Procedural Rules that govern this arbitration. The timetable is attached as **Annex B**.

1. Applicable Arbitration Rules
Convention Article 44

- 1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of April 10, 2006.

2. Constitution of the Tribunal and Tribunal Members' Declarations
Arbitration Rule 6

- 2.1. The Tribunal was constituted on July 29, 2019 in accordance with the ICSID Convention and the ICSID Arbitration Rules. The parties confirmed that the Tribunal was properly constituted and that no party has any objection to the appointment of any Member of the Tribunal.
- 2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 6(2). Copies of these declarations were distributed to the parties by the ICSID Secretariat on 29 July 2019.
- 2.3. The Members of the Tribunal confirmed that they have sufficient availability during the next 24 months to dedicate to this case.

3. Fees and Expenses of Tribunal Members
Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees

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

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Expenses of ICSID Arbitrators in force at the time the fees and expenses are incurred.

3.2. Under the current Schedule of Fees, each Tribunal Member receives:

3.2.1. US\$3,000 for each day of meetings or each eight hours of other work performed in connection with the proceedings or *pro rata*; and

3.2.2. subsistence allowances, reimbursement of travel, and other expenses pursuant to ICSID Administrative and Financial Regulation 14.

3.3. Each Tribunal Member shall submit his claims for fees and expenses to the ICSID Secretariat on a quarterly basis.

3.4. Non-refundable expenses incurred in connection with a hearing as a result of a postponement or cancellation of the hearing shall be reimbursed.

4. Presence and Quorum

Arbitration Rules 14(2) and 20(1)(a)

4.1. The presence of all Members of the Tribunal constitutes a quorum for its sittings, including by any appropriate means of communication.

5. Rulings of the Tribunal

Convention Article 48(1); Arbitration Rules 16, 19 and 20

5.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.

5.2. ICSID Arbitration Rule 16(2) applies to decisions taken by correspondence except that, where the matter is urgent, the President may decide procedural matters without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal.

5.3. The Tribunal will draft all rulings, including the award, within a reasonable time period. If a ruling has not been issued within three months after the final submission on a particular matter, the Tribunal will provide the parties with status updates every two months. However, the three-month deadline does not serve as the default deadline for procedural decisions which may be issued more expeditiously and before the three-month period expire.

5.4. The President is authorized to issue Procedural Orders on behalf of the Tribunal.

5.5. The Tribunal's rulings on procedural matters may be communicated to the parties by the Tribunal Secretary in the form of a letter or email.

6. Power to Fix Time Limits

Arbitration Rule 26(1)

- 6.1. The President may fix and extend time limits for the completion of the various steps in the proceeding.
- 6.2. In exercising this power, the President shall consult with the other Members of the Tribunal. If the matter is urgent, the President may fix or extend time limits without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal.

7. Secretary of the Tribunal

Administrative and Financial Regulation 25

- 7.1. The Tribunal Secretary is Mr. Francisco Abriani, Legal Counsel, ICSID, or such other person as ICSID may 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:

Mr. Francisco Abriani
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
USA
Tel.: + 1 (202) 473 0274
Fax: + 1 (202) 522-2615
Email: fabriani@worldbank.org
Paralegal email: mrinne@worldbank.org

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

Mr. Francisco Abriani
ICSID
1225 Connecticut Ave. N.W.
(World Bank C Building)
3rd Floor
Washington, D.C. 20036
USA
Tel.: + 1 (202) 458-1534

8. Appointment of the Assistant to the Tribunal

- 8.1. By letter of 1 August 2019, the Tribunal explained to the parties that it considered that it would benefit the overall cost and time efficiency of the proceedings if the

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Tribunal had an assistant. The President proposed, with the approval of the other members of the Tribunal, that Ms. Marina Matousekova of Castaldi Partners be appointed as Assistant to the Tribunal. Ms. Matousekova's *curriculum vitae* was distributed to the parties.

- 8.2. The Tribunal further explained that the assistant's tasks will be administrative in nature (e.g., assisting the Tribunal in dealing with the management of the case, with procedural issues, as well as with the preparation of the factual parts of the Tribunal's decisions and award). No fees will be charged to the parties for the assistant's activities; but the parties will, however, be required to reimburse her for reasonable travel and accommodation costs for attending the hearings. The Tribunal also indicated that should the parties agree to her appointment, Ms. Matousekova will sign a declaration of independence and impartiality and confirm that she has no conflicts of interest.
- 8.3. By letters of 1 and 4 August 2019, the Claimant and the Respondent, respectively, approved the appointment of Ms. Matousekova as assistant to the Tribunal.
- 8.4. On 5 August 2019, Ms. Matousekova signed a declaration of confidentiality and independence.
- 8.5. On 9 August 2019, the Secretariat confirmed the appointment of Ms. Matousekova and transmitted her declaration to the parties.

9. Representation of the Parties
Arbitration Rule 18

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

For the Claimant

Mr. Hussein Haeri
Ms. Camilla Gambarini
Withers LLP
20 Old Bailey
London EC4M 7AN
United Kingdom
Tel: + 44 207 595 6675
Emails:
Hussein.haeri@withersworldwide.com
Camilla.gambarini@withersworldwide.com

For the Respondent

Mr. Dany Khayat
Mr. José Caicedo
Mayer Brown
10, avenue Hoche
75008 Paris
France
Tel: + 33 1 535 34343
Emails:
dkhayat@mayerbrown.com
jcaicedo@mayerbrown.com

Ms. Laila Slassi
Afrique Advisors

10, rue Al Jihani, Angle Massira
Quartier Racine, Casablanca
Kingdom of Morocco
Tel: + 212 (0) 522 369462
Email:
lslassi@afriqueadvisors.com

9.2. The Tribunal may, once constituted and upon objection made by any party after disclosure, take any measure necessary to avoid a conflict of interest arising from a change in party representation, such as to exclude any additional agent, counsel or advocate from participating in whole or in part in the arbitral proceedings.

10. Apportionment of Costs and Advance Payments to ICSID

Convention Article 61(2); Administrative and Financial Regulation 14; Arbitration Rule 28

10.1. The parties shall cover the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.

10.2. By letter of July 30, 2019, ICSID requested that each party pay US\$150,000 to cover the initial costs of the proceeding. ICSID received the Claimant's payment on 30 August 2019.

10.3. 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; Administrative and Financial Regulation 26; Arbitration Rule 13(3)

11.1. Paris, France, shall be the place of the proceeding.

11.2. The Tribunal may hold hearings at any other place that it considers appropriate if the parties so agree.

11.3. The Tribunal may deliberate at any place it considers convenient.

12. Procedural Languages, Translation and Interpretation

Administrative and Financial Regulation 30(3) and (4); Arbitration Rules 20(1)(b) and 22

12.1. English and French are the procedural languages of the arbitration.

12.2. Administrative or procedural correspondence addressed to or sent by the ICSID Secretariat may be in either procedural language.

For Parties' Pleadings

- 12.3. Any written requests, applications, pleadings, expert opinions, witness statements, or accompanying documentation may be submitted in either procedural language.
- 12.4. Documents filed in any other language than the procedural languages shall be translated into either English or French.
- 12.5. If the accompanying documents are lengthy and relevant only in part, it is sufficient to translate only relevant parts, provided that the Tribunal may require a fuller or a complete translation.
- 12.6. Translations need not be certified unless there is a dispute as to the translation provided and the party disputing the translation specifically requests a certified version.
- 12.7. Documents exchanged between the parties under §16 below (Production of Documents) may be produced in the original language and need not be translated.

For Hearings

- 12.8. The testimony of a witness called for examination during the hearing who prefers to give evidence other than in the English and French languages shall be interpreted simultaneously in English and French. The testimony of a witness called for examination during the hearing who gives evidence in either English or French shall also be interpreted simultaneously into the other procedural language.
- 12.9. During the hearing, communication between the parties and the Tribunal in either English or French shall be interpreted simultaneously into the other procedural language.
- 12.10. The parties will notify the Tribunal, as soon as possible, and no later than at the pre-hearing organizational meeting (see §20 below), which witnesses or experts require interpretation and in which language they will testify.
- 12.11. The costs of the interpreters will be paid from the advance payments made by the parties, without prejudice to the decision of the Tribunal as to which party shall ultimately bear those costs.

For Tribunal's Documents Except the Award

- 12.12. The Tribunal shall make any order or decision in either procedural language.

For Tribunal's Award

12.13. The Tribunal shall render the Award in English and French simultaneously. Both language versions shall be equally authentic.

13. Routing of Communications

Administrative and Financial Regulation 24

13.1. Written communications in the case shall be transmitted by email or other electronic means to the parties, the Tribunal Secretary, the Tribunal and the Assistant to the Tribunal.

13.2. Electronic versions of communications ordered by the Tribunal to be filed simultaneously shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing party, the Tribunal and the Assistant to the Tribunal.

13.3. The Tribunal Secretary 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 email addresses of the Members of the Tribunal and the Assistant to the Tribunal are:

Mr. Alexis Mourre Professor Zachary Douglas QC Professor Nassib G. Ziadé
amourre@mourrepartners.com zacharydouglas@matrixlaw.co.uk nziade@ziadearbitration.com

Ms. Marina Matousekova
mmatousekova@castaldipartners.com

14. Number of Copies and Method of Filing of Parties' Pleadings

Administrative and Financial Regulation 30; Arbitration Rules 20(1)(d) and 23

14.1. By the relevant filing date, the parties shall:

14.1.1. submit by email to the Tribunal Secretary, the Members of the Tribunal, the Assistant to the Tribunal and the opposing party an electronic version of the pleading with witness statements, expert reports with an index of all the supporting documentation attached to the pleading (including witness statements, expert reports, factual exhibits and legal authorities)¹; and

14.1.2. within the following four business days, upload the pleading, with all the supporting documentation and the corresponding updated hyperlinked index to the file sharing platform that was created by ICSID for purposes of this case.

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

- 14.2. Within 4 business days following the relevant filing date, the parties shall courier to the Tribunal Secretary:
- 14.2.1. one unbound hard copy in A4/Letter format² of the entire submission³, including signed originals of the pleading, witness statements, and expert reports, together with any other supporting documentation (but not including legal authorities) and the updated index; and
- 14.2.2. two USB drives with full copies of the entire submission, including the pleading, the witness statements, expert reports, factual exhibits, legal authorities and the updated hyperlinked index of all the supporting documentation.
- 14.3. Also within four business days following the relevant filing date, the parties shall courier to the opposing party at the addresses indicated at §9.1 above:
- 14.3.1. one hard copy in A4 format of the entire submission both in the original language and translations (if necessary) including the pleading, the witness statements, expert reports, together with any other supporting documentation (but not including legal authorities), and the updated index of all the supporting documentation; and
- 14.3.2. one USB drive with a full copy of the entire submission both in the original language and translations (if necessary), including the pleading, the witness statements, expert reports, factual exhibits, legal authorities and the updated hyperlinked index of all the supporting documentation.
- 14.4. Also within four business days following the relevant filing date, the parties shall courier to each Member of the Tribunal and to the Assistant to the Tribunal at the addresses indicated at §14.5 below:
- 14.4.1. one hard copy, in A4 spiral bound format for Mr. Mourre and Professor Ziadé and in A5 spiral bound format for Professor Douglas and Ms. Matousekova, of the pleading, the witness statements, and the expert reports; and
- 14.4.2. one USB drive with a full copy of the entire submission both in the original language and translations (if necessary), including the pleading, the witness statements, expert reports, factual exhibits, legal authorities and the updated hyperlinked index of all the supporting documentation.

² The A4/Letter format is required for ICSID's archiving.

³ The Secretariat's copy will be kept in the official repository of ICSID, and is not intended to be used at hearings.

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14.5. The addresses of the Tribunal Members and of the Assistant of the Tribunal are as follows:

Mr. Alexis Mourre 33-43 avenue du Président Wilson 75116 Paris France Tel. +33 (0)1 49 53 2830	Professor Zachary Douglas QC Matrix Chambers 15 Rue du General Dufour Geneva 1204 Switzerland Tel. +44 (0)20 7404 3447	Professor Nassib G. Ziadé Suite 701, Park Plaza, Bldg 247 Road 1704, Diplomatic Area P.O. Box 20006 Manama Kingdom of Bahrain Tel. +973 17 511 322
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Ms. Marina Matousekova
Castaldi Partners
73, bd Haussmann
75008 Paris
France
Tel. + 33 (0)1 40 73 16 43

- 14.6. Legal authorities shall be submitted in electronic format only, unless a hard copy is specifically requested by the Tribunal.
- 14.7. Electronic versions of pleadings, witness statements, expert reports, factual exhibits and legal authorities shall, where possible, be text searchable (i.e., OCR PDF or Word).
- 14.8. All pleadings shall be accompanied by the updated index hyperlinked to the supporting documentation within the timeframe provided for in §14.1.2. The index shall indicate the document number, the pleading with which it was submitted and the original language of the document. (Please follow the naming conventions contained in **Annex A**).
- 14.9. At the conclusion of the written phase of the proceeding, on a date to be determined by the Tribunal, or at any other time the Tribunal or the Secretariat so indicates, the parties shall courier to the ICSID Secretariat, to each Member of the Tribunal and to the Assistant of the Tribunal a USB drive containing an electronic copy of the entire case file (including pleadings, witness statements, expert reports, factual exhibits, legal authorities and Tribunal decisions and orders to date) with a consolidated hyperlinked index of all documents.
- 14.10. The official date of receipt of a pleading or communication shall be the day on which the electronic version is sent to the Tribunal Secretary by email.
- 14.11. A filing shall be deemed timely if sent by a party by midnight, Washington, D.C. time, on the relevant date.

15. Number and Sequence of Pleadings

Arbitration Rules 20(1)(c), 20(1)(e), 29 and 31

15.1. See **Annex B**.

16. Production of Documents

Convention Article 43(a); Arbitration Rules 24 and 33-36

16.1. Each party shall state in writing its responses or objections to the requested documents, in accordance with the timetable provided in **Annex B**. The requesting party shall file its comments in writing on any response or objection made to the document requests, insofar as there are any outstanding disputes relating to such requests. The parties' aggregate comments, in the form of a completed Redfern Schedule, shall be provided to the Tribunal in accordance with **Annex B** and **Annex C**.

16.2. In dealing with matters of production of documents, the Tribunal will be guided, but not be bound, by the IBA Rules on the taking of evidence. The Tribunal shall, along with its orders on the requests to produce, provide in a procedural order the instructions and practical arrangements for the production of documents.

17. Submission of Documents

Convention Article 44; Administrative and Financial Regulation 30; Arbitration Rule 24

17.1. The Memorial and Counter-Memorial shall be accompanied by the documentary evidence relied upon by the parties, including factual 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.

17.3. Neither party shall be permitted to submit additional or responsive documents after the filing of its respective last written submission, unless the Tribunal determines that exceptional circumstances exist based on a reasoned written request followed by observations from the other party.

17.3.1. Should a party request leave to file additional or responsive documents, that party may not annex the documents that it seeks to file to its request.

17.3.2. If the Tribunal grants such an application for submission of an additional or responsive document, the Tribunal shall ensure that the other party is afforded sufficient opportunity to make its observations concerning such a document.

17.4. The Tribunal may call upon the parties to produce documents or other evidence in

accordance with ICSID Arbitration Rule 34(2).

- 17.5. The documents shall be submitted in the following form:
- 17.5.1. Exhibits shall be numbered consecutively throughout these proceedings.
 - 17.5.2. The number of each Exhibit containing a document produced by the Claimant shall be preceded by the letter “C-” for factual exhibits and “CL- ” for legal exhibits. The number for each Exhibit containing a document produced by the Respondent shall be preceded by the letter “R-” for factual exhibits and “RL-” for legal exhibits.
 - 17.5.3. Each Exhibit shall have a divider with the Exhibit identification number on the tab.
 - 17.5.4. A party may produce several documents relating to the same subject matter within one Exhibit, numbering each page of such Exhibit separately and consecutively.
 - 17.5.5. Exhibits shall also be submitted in PDF format and start with the number “C- 0001” and “R-0001,” respectively. If the documents are submitted in two languages but included in the same PDF file (or if the document is submitted in one language only), then there would be no need for any indication of the language in the file’s name. However, if the same document is submitted in two different languages and in two separate PDF files, the parties should add “FRE” and “ENG” as appropriate in the file’s name. The parties shall follow the naming conventions contained in **Annex A**.
 - 17.5.6. Electronic filings and the accompanying indexes shall follow the naming conventions contained in **Annex A**.
- 17.6. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a party, in which case the Tribunal will determine whether authentication is necessary.
- 17.7. The parties shall file all documents only once by attaching them to their pleadings. Documents need not be resubmitted with witness statements even if referred to in such statements.
- 17.8. Demonstrative exhibits (such as PowerPoint slides, charts, tabulations, etc.) may be used at any hearing, provided they contain no new evidence. Each party shall number its demonstrative exhibits consecutively and indicate on each demonstrative exhibit the number of the document(s) from which it is derived. The party submitting such exhibits shall provide them in electronic and hard copy to the other party, the Tribunal Members, the Tribunal Secretary, the Assistant to the

Tribunal, the court reporters and interpreters at the hearing at a time to be decided at the pre-hearing organizational meeting.

18. Witness Statements and Expert Reports

Convention Article 43(a); Arbitration Rule 24

- 18.1. Witness statements and expert reports shall be filed together with the parties' pleadings.
- 18.2. Neither party shall be permitted to submit any testimony that has not been filed with the written submissions, unless the Tribunal determines that exceptional circumstances exist based on a reasoned written request followed by observations from the other party (following the procedure outlined in §17.3).
- 18.3. Each witness statement and expert report shall be signed and dated by the witness or the expert.
- 18.4. The Tribunal may, after consulting the parties and unless the parties agree otherwise, direct the experts' examination in the form of a joint conference and/or direct the experts to submit one or more joint reports.

19. Examination of Witnesses and Experts

Arbitration Rules 35 and 36

- 19.1. In due course, the Tribunal shall, following consultation with the Parties, provide in a procedural order instructions and practical arrangements for the examination of witnesses and experts.

20. Pre-Hearing Organizational Meetings

Arbitration Rule 13

- 20.1. A pre-hearing organizational meeting shall be held at a date determined by the Tribunal after consultation with the parties by telephone between the Tribunal, or its President, and the parties in order to resolve any outstanding procedural, administrative, and logistical matters in preparation for the hearing.

21. Hearings

Arbitration Rules 20(1)(e) and 32

- 21.1. The oral procedure shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.
- 21.2. The hearing shall be held at a place to be determined in accordance with §11 above.
- 21.3. The date of the hearing shall be determined at a later stage in accordance with the procedural timetable in **Annex B**.

- 21.4. The Members of the Tribunal shall endeavor to reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 21.5. The allocation of time will be discussed at the pre-hearing organizational meeting
- 21.6. Hearings will be closed to the public

22. Records of Hearings and Sessions
Arbitration Rules 13 and 20(1)(g)

- 22.1. Sound recordings shall be made of all hearings and sessions. The sound recordings shall be provided to the parties, the Tribunal Members and the Assistant to the Tribunal.
- 22.2. Verbatim transcripts in the procedural languages shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the parties or ordered by the Tribunal, the verbatim transcripts shall be available in real-time using LiveNote or similar software and electronic transcripts shall be provided to the parties and the Tribunal on a same-day basis.
- 22.3. The parties shall agree on any corrections to the transcripts within 14 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter 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 court reporters in the revised transcripts.

23. Post-Hearing Memorials and Statements of Costs
Convention Article 44; Arbitration Rule 28(2)

- 23.1. See **Annex B**.
- 23.2. The parties and the Tribunal will decide during the last day of the Hearing, upon the closing of the Parties’ Oral Submissions, whether Post-Hearing Memorials will be filed. Should the Tribunal decide to order the Parties to file Post-Hearing Memorials, they will be exchanged simultaneously.
- 23.3. Statements of Costs will be exchanged simultaneously.

24. Publication

Convention Article 48(5), Administrative and Financial Regulation 22, Arbitration Rule 48(4)

- 24.1. The ICSID Secretariat will publish the award and any order or decision in the present case where both parties consent to publication. Otherwise, ICSID will

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publish excerpts of the award pursuant to Arbitration Rule 48(4) and include bibliographic references to rulings made public by other sources on ICSID's website and in its publications.

[signed]

Mr. Alexis Mourre
President of the Tribunal
Date: 11 September 2019

ANNEX A

ELECTRONIC FILE NAMING GUIDELINES

Please follow these guidelines when naming electronic files and for the accompanying Consolidated Hyperlinked Index. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

Where necessary, 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 Index (which shall be attached to each submission).

For cases with a single procedural language, the “LANGUAGE” designation may be omitted, except for documents in a language other than the procedural language and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<i>Memorial on Jurisdiction-FR</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction-SPA</i>
	<i>Reply on Annulment-FR</i>
	<i>Rejoinder on Quantum-ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-####–LANGUAGE
	R-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S FACTUAL EXHIBITS
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001-FR</i>
	<i>R-0002-SPA</i>
Legal Authorities	CL-####–LANGUAGE
	RL-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S LEGAL AUTHORITIES
	<i>CL-0001-ENG</i>
	<i>CL-0002-FR</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-SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement]-ENG</i>
Expert Reports	Expert Report-Name of Expert-Type-Name of Submission-LANGUAGE
	<i>Expert Report-Lucia Smith-Valuation-Memorial on Quantum-ENG</i>
	<i>Expert Report-Lucia Smith-Valuation-Reply on Quantum-[Second Report]-ENG</i>
Legal Opinions	Legal Opinion-Name of Expert-Name of Submission-LANGUAGE
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits-FR</i>

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	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion]-FR</i>
Exhibits to Witness Statements, Expert Reports, Legal Opinions	WITNESS/EXPERT INITIALS-###
	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>
	<i>MJ-0001</i>
	<i>MJ-0002</i>
	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-0001</i>
	<i>TK-0002</i>
	<i>For exhibits filed with the Expert Report of [Lucia Smith]</i>
	<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-RLA-### to RLA-###
	<i>Index of Legal Authorities-RLA-0001 to RLA-0023</i>
OTHER APPLICATIONS	Name of Application-[Party]-LANGUAGE
	<i>Preliminary Objections under Rule 41(5)-SPA</i>
	<i>Request for Bifurcation-ENG</i>
	<i>Request for Provisional Measures-[Respondent]-SPA</i>
	<i>Request for Production of Documents-[Claimant]-SPA</i>
	<i>Request for Stay of Enforcement-FR</i>
	<i>Request for Discontinuance-[Claimant]-ENG</i>
	<i>Post-Hearing Brief-[Claimant]-SPA</i>
	<i>Costs Submissions-[Respondent]-ENG</i>
<i>Observations to Request for [XX]-[Claimant]-SPA</i>	

ANNEX B

PROCEDURAL CALENDAR

Step	Date
Memorial	15 November 2019
Request for Bifurcation	6 December 2019
Counter-Memorial	21 February 2020
Document Requests	6 March 2020
Production of non-contested documents and/or objections to Requests	20 March 2020
Replies to objections	27 March 2020
Decision of the Tribunal on the Document requests	3 April 2020
Production of documents	10 April 2020
Reply	8 May 2020
Rejoinder	31 July 2020
List of witnesses and experts to be cross-examined during the hearing	7 August 2020
Pre-hearing organizational teleconference	24 August 2020 (subject to the Tribunal's availability)
Hearing (5 days)	Week of 16 November 2020
Simultaneous Post-Hearing Briefs	
Simultaneous Cost submissions	

Potential bifurcation of the proceedings:

- Potential application for bifurcation: Memorial + 3 weeks
- As of application for bifurcation: Suspension of the proceedings
- Reply by the Claimant on the application for bifurcation: Application + 3 weeks

Procedural Order No. 1

- Potential comments by the Respondent: + 10 days
- Potential comments by the Claimant: + 10 days
- Decision on application for bifurcation without reasons: as soon as possible thereafter (with separate reasons as soon as possible)

If bifurcation is granted:

Timetable of submissions to be decided then as it is not yet possible to know the extent of bifurcation.

If bifurcation is not granted:

Proceedings on the merits restart as in the table above with suspension lifted as of the date of the unreasoned decision on the application for bifurcation by the Tribunal

ANNEX C

REDFERN SCHEDULE

1	2	3	4		5	6	7
No.	Requesting Party	Documents or Category of Documents Requested	Relevance and Materiality According to Requesting Party		Objections to Document Request	Reply to Objections to Document Request	Tribunal's Decisions
			Ref. to Submissions	Comments			