

**Procedural Order No. 1**

**Annex A<sup>1</sup>**

**Procedural Calendar<sup>2</sup>**

Revision No. 5: 21 April 2022

**Scenario 1: No Preliminary Objections / or No Request for Bifurcation**

<b>Date</b>	<b>Lapse (in days)</b>	<b>Party / Tribunal</b>	<b>Description</b>
Friday, 16 April 2021		TRIBUNAL	Procedural Order No. 1
Friday, 1 October 2021	168	CLAIMANT	Memorial
Thursday, 24 March 2022	174	RESPONDENT	Counter-Memorial
Thursday, 28 April 2022	35	CANADA	Canada's Notice of Intent to File a Submission under Article 832 of the Canada-Peru FTA
<b>Document Production</b>			
Monday, 11 April 2022 to Wednesday, 20 April 2022			<i>Suspension</i> (vacancy in the Tribunal; ICSID Arbitration Rules 10(2) and 12).

<sup>1</sup> This table contains the current procedural calendar. It reflects the initial procedural calendar set forth in Annex A Procedural Order No. 1 of 16 April 2021 (per agreement of the Parties, *see* Parties' communications of 9 April 2021), as modified by subsequent amendments resulting from: (i) Parties' joint communications of 14 May 2021 and 18 June 2021, and the Tribunal's communications of 15 and 24 June 2021; (ii) Parties' joint communication of 22 September 2021, and the Tribunal's communication of 23 September 2021; (iii) Parties' joint communication of 15 March 2022, and the Tribunal's communication of 16 March 2022; (iv) Canada's communication of 16 March 2022, the Parties' communications of 16 March 2022, and the Tribunal's communication of 17 March 2022; (v) the suspension of the proceeding from 11 to 20 April 2022, as a result of the vacancy in the Tribunal arising out of the resignation of arbitrator Jonathan D. Schiller.

<sup>2</sup> All lapses are in days and counted from the immediately prior step unless otherwise indicated.

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<b>Date</b>	<b>Lapse (in days)</b>	<b>Party / Tribunal</b>	<b>Description</b>
Monday, 25 April 2022	32 <sup>3</sup>	CLAIMANT AND RESPONDENT	Request for Production of Documents
Monday, 9 May 2022	14	CLAIMANT AND RESPONDENT	Responses and/or Objections to the Request for Production of Documents
Monday, 23 May 2022	14	CLAIMANT AND RESPONDENT	Reply to Objections to the Request for Production of Documents – Sent to Tribunal
Monday, 6 June 2022	14	TRIBUNAL	Decision on Production of Documents
Tuesday, 14 June 2022	8	CLAIMANT AND RESPONDENT	Production of Non-Contested Documents and Documents Ordered by the Tribunal
Thursday, 26 May 2022	63 <sup>4</sup>	CANADA	Canada’s Submission under Article 832 of the Canada-Peru FTA
Thursday, 26 May 2022	Same as above	OTHER PERSONS	Applications/Submissions by “Other Persons” under Article 836 and Annex 836.1 of the Canada-Peru FTA

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<sup>3</sup> Lapse counts from Respondent’s Counter-Memorial. The change in this lapse from 21 days to 32 days is made to (i) accommodate the 10 days of the suspension (11 to 20 April 2022), and (ii) account for the fact that Sunday, 24 April 2022 would fall on a non-business day. (See ICSID Administrative and Financial Regulation 29(2)).

<sup>4</sup> Lapse counts from Respondent’s Counter-Memorial.

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Date	Lapse (in days)	Party / Tribunal	Description
Friday, 23 September 2022	101 <sup>5</sup>	CLAIMANT	Reply
Friday, 20 January 2023	119	RESPONDENT	Rejoinder
Monday, 13 February 2023	24	CLAIMANT AND RESPONDENT	Notification of Witness(es)/Expert(s) to be Cross- Examined at the Hearing
Monday, 20 February 2023	7	CLAIMANT AND RESPONDENT	Proposal on Hearing Schedule ( <i>see</i> , PO1 § 20.2)
Monday, 27 February 2023	7	ALL	Pre-Hearing Organizational Meeting
Monday, 13 March 2023	14	CLAIMANT AND RESPONDENT	Pre-Hearing Skeletons ( <i>see</i> , PO1 § 21.7)
27 March 2023 to 6 April 2023	14 <sup>6</sup>	ALL	Hearing ( <i>Note</i> : Parties estimate 9 hearing days at most)
TBD	TBD	CLAIMANT AND RESPONDENT	Post-Hearing Briefs ( <i>see</i> , PO1 § 23.1)
TBD	TBD	CLAIMANT AND RESPONDENT	Statements of Costs ( <i>see</i> , PO1 § 23.2)
		TRIBUNAL	Award

<sup>5</sup> Lapse counts from Production of Non-Contested and Ordered Documents.

<sup>6</sup> This 14-day lapse is counted from the prior step (Pre-Hearing Skeletons). If counted from the Respondent's Rejoinder, the total lapse is 66 days.

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**Scenario 2: Preliminary Objections with Request for Bifurcation**

*Note:* Scenario 2 is no longer applicable, following the Respondent’s communication dated 22 October 2021 indicating that Peru would “*not be seeking bifurcation on the basis of the preliminary objections that it intends to raise in this arbitration.*”