

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Mabco Constructions SA

v.

Republic of Kosovo

(ICSID Case No. ARB/17/25)

PROCEDURAL ORDER NO. 6

Members of the Tribunal

Professor George A. Bermann, President of the Tribunal

Mr. Gianrocco Ferraro, Arbitrator

Professor Dr. August Reinisch, Arbitrator

Secretary of the Tribunal

Mr. Francisco Abriani

December 20, 2021

On December 14, 2021, Claimant requested that it be allowed to narrow Request no. 2 contained in its Redfern Schedule to read as follows:

“Any opinions expressed in the form of a legal opinion issued by the PAK Legal Department on the lawfulness of the contractual exercise process and the negotiation process related to the withdrawal of the shares of Grand Hotel LLC.”

On December 15, 2021, Respondent objected to the request as untimely, unduly broad and non-specific, and covering too long a period of time.

Upon reviewing and discussing these communications, the Tribunal finds that, given the absence of a stated deadline for party efforts to narrow production requests, the request may not be considered untimely. The Tribunal also considers the period of time covered by the request to be reasonable in light of the subject matter of the request and its centrality to the dispute.

However, the Tribunal continues to believe that, despite Claimant’s attempt at narrowness, the documents sought may and should be defined with still greater specific.

This should not be a difficult exercise for Claimant. However, due to the approaching holidays, the Tribunal invites Claimant, if it wishes to do so, to submit a revised request to the Tribunal and to Respondent by Wednesday, December 29.

On behalf of the Tribunal,

[Signed]

George A Bermann
President of the Tribunal