

Procedural Order No. 1 – Annex B (Amended)

ANNEX B (AMENDED)

PROCEDURAL CALENDAR^{1 2 3 4}

SCENARIO 1

The following timetable shall apply in the event that objections to jurisdiction (if any) are made with the counter-memorial, and there is no request for bifurcation.

Date / [Period of Time]	Party / Tribunal	Description
Procedural Consultation (4 December 2019)	All	Procedural Consultation
Within 14 days of the Procedural Consultation (18 December 2019)	Tribunal	Decision on the Preliminary Objection
Assuming that the Decision on the Respondent's Preliminary Objection is not dispositive of the entirety of the arbitration		
Within 120 days of the Decision on the Preliminary Objection (16 May 2020)	Claimant	Memorial on the Merits
+120 days from the Memorial on the Merits (14 September 2020)	Respondent	Counter-Memorial on the Merits and Memorial on Jurisdictional Objections
+21 days from the Memorial on Jurisdictional Objections and Counter-Memorial on the Merits (5 October 2020)	Parties Non-Disputing Parties	Requests for Production of Document, Cut-off date to apply for leave to file a non-disputing party submission

¹ The procedural calendar is amended as of 12 November 2020 to reflect the revised dates for the submissions under Scenario 3 as a result of the Decision on Bifurcation issued at an earlier date.

² The procedural calendar is amended as of 30 November 2020 to reflect the parties' agreement to extend deadlines for the document production phase.

³ The procedural calendar is amended as of 4 February 2021 to reflect the parties' agreement to adjust the remaining deadlines in 2021.

⁴ The procedural calendar is amended as of 16 February 2022 to reflect the rescheduled hearing dates and other pending deadlines in the proceeding.

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Date / [Period of Time]	Party / Tribunal	Description
++ 14 days from Requests for Production of Document/Cut-off date to apply for leave to file a non-disputing party submission (19 October 2020)	Parties	Responses to Document Requests, Responses to Non-Disputing Party Application, if any
+14 days from Responses to Document Requests/Responses to Non-Disputing Party Application, if any (2 November 2020)	Parties	Reply to Responses on Document Requests, Submission to Tribunal; Voluntary Production
+14 days from Reply to Responses on Document Requests/Submission to Tribunal; Voluntary Production (16 November 2020)	Tribunal	Decision on Document Requests, Decision on Non-Disputing Party Submissions
+14 days from Decision on Document Requests, Decision on Non-Disputing Party Submissions (30 November 2020)	Parties	Deadline for Production of Documents, Deadline for Non-Disputing Party Submissions
+105 days from the Counter-Memorial on the Merits and Memorial on Jurisdictional Objections (28 December 2020)	Claimant	Reply on the Merits and Counter-Memorial on Jurisdictional Objections
+119 days [105 days + 14 days for Christmas holidays] from the Reply on the Merits and Counter-Memorial on Jurisdictional Objections (26 April 2021)	Respondent	Rejoinder on the Merits and Reply on Jurisdictional Objections
+42 days from Rejoinder on the Merits and Reply on Jurisdictional Objections (7 June 2021)	Claimant	Rejoinder on Jurisdictional Objections
+45 days before the Hearing	Parties	Witness notification

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Date / [Period of Time]	Party / Tribunal	Description
+30 days before the Hearing	All	Pre-Hearing Organizational Meeting
within 60 to 120 days from Rejoinder on Jurisdictional Objections (6 August 2021 –5 October 2021)	All	Hearing

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SCENARIO 2

The following timetable shall apply in the event that objections to jurisdiction are made in response to the memorial on the merits, and there is a request for bifurcation which is granted.

Date / [Period of Time]	Party / Tribunal	Description
Procedural Consultation (4 December 2019)	All	Procedural Consultation
Within 14 days of the Procedural Consultation (18 December 2019)	Tribunal	Decision on the Preliminary Objection
Assuming that the Decision on the Respondent's Preliminary Objection is not dispositive of the entirety of the arbitration		
Within 120 days of the Decision on the Preliminary Objection (16 May 2020)	Claimant	Memorial on the Merits
+30 days from delivery Memorial on the Merits (16 June 2020)	Respondent	Request for Bifurcation
+30 days from Request for Bifurcation (16 July 2020)	Claimant	Observations on Request for Bifurcation
+30 days from Observations on Request for Bifurcation (17 August 2020)	Tribunal	Decision granting bifurcation
+60 days from decision granting bifurcation (16 October 2020)	Respondent	Memorial on Jurisdictional Objections
+60 days from Memorial on Jurisdictional Objections (15 December 2020)	Claimant	Counter-Memorial on Jurisdictional Objections
Only exceptionally a document production phase for jurisdiction would be granted upon reasoned request		

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Date / [Period of Time]	Party / Tribunal	Description
+59 [45 days + 14 days for Christmas holidays] days from the Counter-Memorial on Jurisdictional Objections (12 February 2021)	Respondent	Reply on Jurisdictional Objections
+45 days from Reply on Jurisdictional Objections (29 March 2021)	Claimant	Rejoinder on Jurisdictional Objections
+45 days before the Hearing	Parties	Witness notification
+30 days before the Hearing	All	Pre-Hearing Organizational Meeting
within 60 to 120 days from Rejoinder on Jurisdictional Objections (28 May 2021 –27 July 2021)	All	Hearing on Jurisdiction
	Tribunal	Decision on Jurisdiction
Assuming that the Decision on Jurisdiction is not dispositive of the entirety of the arbitration		
+90 days from Decision on Jurisdiction	Respondent	Counter-Memorial on the Merits
+21 days from the Counter-Memorial on the Merits	Parties Non-Disputing Parties	Requests for Production of Document, Cut-off date to apply for leave to file a non-disputing party submission on merits
+14 days from Requests for Production of Document/ cut-off date for applications for leave to file a non-disputing party submission from Non-Disputing Parties	Parties	Responses to Document Requests, Responses to Non-Disputing Party Application, if any
+14 days from Responses to Document Requests/Responses to Non-Disputing Party Application, if any	Parties	Reply to Responses on Document Requests, Submission to Tribunal; Voluntary Production

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Date / [Period of Time]	Party / Tribunal	Description
+14 days from Reply to Responses on Document Requests/Submission to Tribunal; Voluntary Production	Tribunal	Decision on Document Requests, Decision on Non-Disputing Party Submissions
+14 days from Decision on Document Requests, Decision on Non-Disputing Party Submissions	Parties	Deadline for Production of Documents, Deadline for Non-Disputing Party Submissions
+105 days from Counter-Memorial on the Merits	Claimant	Reply on the Merits
+105 from Reply on the Merits	Respondent	Rejoinder on the Merits
+45 days before the Hearing	Parties	Witness notification
+30 days before the Hearing	All	Pre-Hearing Organizational Meeting
within 60 to 120 days from Rejoinder on the Merits	All	Hearing on the Merits

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SCENARIO 3

The following timetable shall apply in the event that objections to jurisdiction are made in response to the memorial on the merits, and there is a request for bifurcation which is refused.

Date / [Period of Time]	Party / Tribunal	Description
Procedural Consultation (4 December 2019)	All	Procedural Consultation
Within 14 days of the Procedural Consultation (18 December 2019)	Tribunal	Decision on the Preliminary Objection
Assuming that the Decision on the Respondent's Preliminary Objection is not dispositive of the entirety of the arbitration		
Within 120 days of the Decision on the Preliminary Objection (16 May 2020)	Claimant	Memorial on the Merits
+30 days from delivery Memorial on the Merits (16 June 2020)	Respondent	Request for Bifurcation
+30 days from Request for Bifurcation (16 July 2020)	Claimant	Observations on Request for Bifurcation
+30 days from Observations on Request for Bifurcation (3 August 2020)	Tribunal	Decision refusing bifurcation or joinder of jurisdictional objections to the merits
+90 days from the decision refusing bifurcation (2 November 2020)	Respondent	Counter-Memorial on the Merits and Memorial on Jurisdictional Objections
+21 days from the Memorial on Jurisdictional Objections and Counter-Memorial on the Merits (23 November 2020)	Non-Disputing Parties	Cut-off date to apply for leave to file a non-disputing party submission

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Date / [Period of Time]	Party / Tribunal	Description
+28 days from the Memorial on Jurisdictional Objections and Counter-Memorial on the Merits (30 November 2020)	Parties	Requests for Production of Document,
+14 days from Cut-off date to apply for leave to file a non-disputing party submission (7 December 2020)	Parties	Responses to Non-Disputing Party Application, if any
+18 days from Requests for Production of Document party submission (18 December 2020)	Parties	Responses to Document Requests
+17 days from Responses to Document Requests (4 January 2021)	Parties	Reply to Responses on Document Requests, Submission to Tribunal; Voluntary Production
+14 days from Reply to Responses on Document Requests/Submission to Tribunal; Voluntary Production / +42 days from Responses to Non-Disputing Party Application, if any (18 January 2021)	Tribunal	Decision on Document Requests, Decision concerning applications from Non-Disputing Parties
+14 days from Decision on Document Requests, Decision on Non-Disputing Party Submissions (11 February 2021)	Parties	Deadline for Production of Documents, Deadline for Non-Disputing Party Submissions
+119 days [105 days + 14 days for Christmas holidays] from the Counter-Memorial on the Merits and Memorial on Jurisdictional Objections (18 March 2021)	Claimant	Counter-Memorial on Jurisdictional Objections and Reply on the Merits
+105 days from the Counter-Memorial on Jurisdictional Objections and Reply on the Merits (22 July 2021)	Respondent	Rejoinder on the Merits and Reply on Jurisdictional Objections

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Date / [Period of Time]	Party / Tribunal	Description
+42 days from Rejoinder on the Merits and Reply on Jurisdictional Objections (9 September 2021)	Claimant	Rejoinder on Jurisdictional Objections
9 November 2021	Canada	Canada's Submission
16 November 2022	Parties	Parties' Comments to Canada's Submission
+45 days before the Hearing (13 January 2023)	Parties	Witness notification
+30 days before the Hearing	All	Pre-Hearing Organizational Meeting
Week of 27 February 2023 (holding 4 March 2023 in reserve)	All	Hearing