



ICSID (INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES)

ICSID Case No. UNCT/13/1

THE RENCO GROUP, INC. V. REPUBLIC OF PERU (I)

PROCEDURAL ORDER NO. 4

06 July 2015

Tribunal:

[L. Yves Fortier](#) (Appointed by the investor)

[Toby Landau](#) (Appointed by the State)

[Michael J. Moser](#) (President)

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Procedural Order No. 4

- [1]. In the Tribunal's Decision Regarding Respondent's Requests for Relief dated June 2, 2015 (the "Decision"), the Tribunal directed the Parties, *inter alia*, to consult and agree on (i) a new briefing schedule which includes Renco's responsive submissions on the three arguments raised by Peru in its Preliminary Objection under Article 10.20.4 of the Treaty and (ii) a "*separate and streamlined timetable to dispose of [the] discrete issue*" of whether Renco, as alleged by Peru, is engaged in new and ongoing breaches of the waiver requirement contained in Article 10.18 of the Treaty.
- [2]. On June 10, 2015, Renco requested the Tribunal to reconsider that portion of its Decision which directed the Parties to establish a separate timetable for the briefing of Renco's alleged ongoing breaches of the waiver requirement. On June 17, 2015, Peru replied to the submissions made by Renco.
- [3]. On June 20, 2015, the Tribunal issued Procedural Order No. 3 ("P.O. No. 3") reiterating its direction to the Parties to consult and agree on a new briefing schedule and indicating that in the event the Parties were unable to maintain the hearing dates of September 1-2, 2015, the Tribunal offered December 14-16, 2015 in London as alternative hearing dates.
- [4]. The Tribunal further declined to revise its Decision in respect of the alleged ongoing breaches by Renco of the waiver requirement. Accordingly, the Tribunal also reiterated its direction to the Parties to consult and agree on a "*separate and streamlined timetable*" to deal with the alleged ongoing breaches by Renco of the waiver requirement.
- [5]. Following the issuance of P.O. No. 3 the Parties exchanged their views on the procedural calendar and hearing dates¹.
- [6]. Having taken into account all of the arguments presented by both sides, the Tribunal sets the following procedural calendar and hearing dates:
 1. Separate and Streamlined Waiver Schedule:
 - July 10 Respondent's Memorial on Waiver
 - August 10 Claimant's Counter-Memorial on Waiver
 - August 17 Respondent's Reply on Waiver
 - August 24 Claimant's Rejoinder on Waiver
 - September 2 Hearing on Waiver (in Washington DC)

¹ See Claimant's email of June 22, two emails of June 25 (received at 11:34 am and 12:09 pm), June 27, June 29 and two emails July 3, 2015 (received at 9:46 am and at 11:23 am). See also Respondent's email of June 22, three emails of June 25 (received at 2:40 am, 11:59 am and 12:19); a letter dated June 26 (received on June 27), two emails of June 27, (received at 3:01 pm and at 3:19 pm), an email of June 29, a letter of June 30 and two emails of July 3, 2015 (received at 10:20 am and 11:33 am).

2. Article 10.20.4 Schedule:

- July 30 Article 10.20.4: Claimant's Supplemental Response
- September 24 Article 10.20.4: Respondent's Reply
- October 22 Article 10.20.4: Claimant's Rejoinder
- December 14-16 Hearing on Article 10.20.4 (in London to commence at 2 pm on December 14)

3. The Parties' pleadings will not be subject to a page limit.