

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

**Italba Corporation**

**v.**

**Oriental Republic of Uruguay**

**(ICSID Case No. ARB/16/9)**

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**PROCEDURAL ORDER No. 2**

Mr. Rodrigo Oreamuno, President of the Tribunal  
Mr. John Beechey, Arbitrator  
Prof. Zachary Douglas, Q.C., Arbitrator

*Secretary of the Tribunal*  
Ms. Luisa Fernanda Torres

*Assistant to the President of the Tribunal*  
Ms. Maria Jose Rojas

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November 14, 2016

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**I. PROCEDURAL HISTORY**

1. By email of October 25, 2016, the Secretary of the Tribunal inquired about the status of the submission of hard copies of the translations of Claimant’s Memorial.
2. By email of October 25, 2016, Claimant advised that in its view the provisions of Sections 14.2 to 14.5 of Procedural Order No. 1 were not applicable to the filing of translations of the Parties’ pleadings.
3. By letter of October 28, 2016, following an invitation from the Tribunal, Respondent observed that in its view the requirements of Sections 14.2 to 14.5 of Procedural Order No. 1 were applicable both to submission of original versions and translations of the Parties’ pleadings.
4. By letter of November 4, 2016, the Tribunal presented to the Parties a proposed clarification to Sections 14.1 to 14.5 of Procedural Order No. 1. The letter stated that “*absent any final observations from the Parties, which shall be received no later than Tuesday, 8 November 2016, the Tribunal will proceed to issue Procedural Order No. 2, memorializing the [proposed] clarification.*”
5. By email of 8 November 2016, Claimant confirmed not having any objections to the Tribunal’s proposal.
6. The Tribunal has not received any observation from the Respondent.
7. Therefore, the Tribunal issues this Procedural Order No. 2, memorializing the clarification to Sections 14.1 to 14.5 of Procedural Order No. 1 proposed in the Tribunal’s letter of November 4, 2016.

**II. ORDER**

8. Sections 14.1 to 14.5 of Procedural Order No. 1, are hereby amended as follows:

“14.1. By the relevant filing date, the parties shall submit by email to the Tribunal Secretary and the opposing party an electronic version without exhibits of the pleadings, witness statements, expert reports, and a list of exhibits (“Electronic E-mail Filing”).<sup>1</sup> By the end of the second business day following the relevant filing date, the parties shall upload these documents with exhibits to the file sharing platform that will be created by ICSID for purposes of this case (“Electronic BOX Filing”). For the avoidance of doubt, the Electronic E-mail Filing and the Electronic BOX

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

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Filing requirements are applicable with regard to the original submission and the translations submission.

14.2. Four business days following the Electronic E-mail Filing of the translations, the parties shall courier to the Tribunal Secretary:

14.2.1. one unbound **hard copy** in Letter format<sup>2</sup> of the entire submission (both in original language and translations),<sup>3</sup> including signed originals of the pleading, witness statements, and expert reports, together with documents (but not including legal authorities); and

14.2.2. one **hard copy** in letter format of the entire submission (both in original language and translations) including the pleading, witness statements, expert reports, and exhibits (but not including legal authorities).

14.3. Also four business days following the Electronic E-mail Filing of the translations, the parties shall courier to the opposing party at the address(es) indicated at Section 9.1 above, and to each Member of the Tribunal at the addresses indicated at Section 14.6 below, **hard copies** of the entire submission, including the pleading, witness statements, expert reports, and exhibits (but not including legal authorities). The parties are to send hard copies as follows:

- in Letter format for Mr. Oreamuno (only in the original language);
- in A5 format for Mr. Beechey and Prof. Douglas (only the English versions);<sup>4</sup>
- in A5 or Letter format for opposing counsel (only in the original language).

14.4. Four business days following the Electronic Email Filing of the translations, the parties shall courier to the Tribunal's Secretary two **USB drives, or CD-ROMs or DVDs**, with full copies of the entire submission

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<sup>2</sup> The Letter format is required for ICSID's archiving.

<sup>3</sup> The hard copy set shall be organized including the original language document, followed by the translation separated by a colored sheet.

<sup>4</sup> Double-sided, spiral bound and in soft covers.

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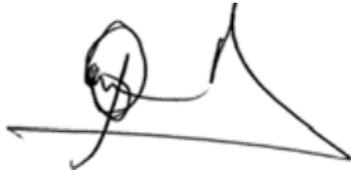
(both in the original language and translations), including the pleading, witness statements, expert reports, exhibits, and legal authorities.

14.5. Also four business days following the Electronic E-mail Filing of the translations, the parties shall courier to the opposing party at the address(es) indicated at Section 9.1 above, to each Member of the Tribunal, at the addresses indicated at Section 14.6 below one **USB drive, or CD-ROMs or DVDs**, with a full copy of the entire submission (both in original language and translations), including the pleading, witness statements, expert reports, exhibits, and legal authorities.

[...].”

9. Future submissions shall comply with the above mentioned provisions. As for the Claimant’s Memorial, to the extent that hard copies and/or USBs are still missing to complete the sets in the manner described above, Claimant is invited to submit them as soon as possible.

On behalf of the Tribunal,



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Mr. Rodrigo Oreamuno  
President

Date: November 14, 2016