

PROCEDURAL ORDER NO. 1 – ANNEX I

Procedural timetable

Procedural action	Party required to act	Deadline
Statement of Claim	Claimant	30 October 2020
Motion to Bifurcate	Respondent	20 November 2020
Response to the Motion to Bifurcate	Claimant	4 December 2020
Decision on Bifurcation	Arbitral Tribunal	14 December 2020 [or 18 December 2020 if Tribunal holds hearing]

SCENARIO A – BIFURCATED PROCEEDINGS		
Procedural action	Party required to act	Deadline
Memorial on Objections to Jurisdiction	Respondent	5 February 2021
Counter-Memorial on Objections to Jurisdiction	Claimant	30 April 2021
Hearing		
Pre-Hearing conference call	All	6 May 2021, 18:00h The Hague local time
Hearing on Jurisdictional Objections	All	7 and 8 June 2021
Post-Hearing Phase		
Post-Hearing briefs	Both Parties	TBD at the end of the Hearing
Statement on costs	Both Parties	TBD at the end of the Hearing

SCENARIO B – NO BIFURCATION		
Procedural action	Party required to act	Deadline
Statement of Defence and Objections to Jurisdiction, including any counterclaim	Respondent	5 February 2021
Document production		
DPS Request	Both Parties (without copying the Tribunal)	12 February 2021
DPS Response and delivery of Non-Contested Documents	Both Parties (without copying the Tribunal)	5 March 2021
DPS Response to Objections and submission of DPS to the Tribunal	Both Parties	12 March 2021
Decision on DPS	Tribunal	23 March 2021
Production of Contested Documents, of Privilege Log and Affidavits	Both Parties	2 April 2021
Written Submissions		
Reply on the Merits and Response to Objections to Jurisdiction	Claimant	30 April 2021
Rejoinder on the Merits and Reply to Objections to Jurisdiction	Respondent	23 July 2021
Rejoinder on Objections to Jurisdiction	Claimant	10 September 2021
Hearing		
Notification of witnesses to be called to the Hearing	Both Parties	11 October 2021
Pre-Hearing conference call	All	1 February 2022, 18:00h The Hague local time

Hearing on Jurisdiction and Merits	All	4 to 8 April 2022
Post-Hearing Phase		
Post-Hearing briefs	Both Parties	TBD at the end of the Hearing
Statement on costs	Both Parties	TBD at the end of the Hearing

Date: 14 October 2020

DOCUMENT PRODUCTION SCHEDULE

Requesting Party:

Requested Party:

Document Request No. 1.		
R1: Description of requested Documents (max. 200 words)		
<u>Requesting party</u>	<u>Requested party</u>	<u>Tribunal</u>
Time frame of issuance		
R2: Relevance and materiality (max. 250 words)		
<u>Requesting party</u>	<u>Requested party</u>	<u>Tribunal</u>
Reference in Memorial (paras.)		
R3: Not in possession of requesting party (max. 100 words)		
<u>Requesting party</u>	<u>Requested party</u>	<u>Tribunal</u>
O1: Legal or settlement privilege (max. 250 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O2: Production is unreasonably burdensome (max. 200 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O3: Loss or destruction (max. 100 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O4: Technical or commercial confidentiality (max. 200 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O5: Special political or institutional sensitivity (max. 250 words)		
<u>Requested Party</u>	<u>Requesting party</u>	<u>Tribunal</u>
O6: Production affects fairness or equality of procedure (max. 100 words)		
<u>Requested party</u>	<u>Requesting party</u>	<u>Tribunal</u>
Tribunal's Decision		

Add request

PRIVILEGE LOG

Requesting party:

Requested party:

Doc. No.	Date of issuance (in chronological order)	Author/Sender (identifying any attorney to the Requested party)	Recipient(s) (including any individuals in copy)	Brief description of the Document or Category of the Documents	Asserted privilege (O1, O4, O5)	Reasons for objection

AFFIDAVIT

My name is , of . This Affidavit is issued in accordance with Procedural Order No. 1 in the arbitration between Patel Engineering Limited and the Republic of Mozambique, PCA Case No. 2020-21. The terms defined in Procedural Order No. 1 have the same meaning when used in this Affidavit.

I declare that, to the best of my knowledge and belief:

- (i) Requested party has carried out a reasonable search of the Documents which it was ordered or voluntarily undertook to produce;
- (ii) No Document which Requested party was ordered or voluntarily undertook to produce has been destroyed or concealed;
- (iii) All Documents for which legal or settlement privilege has been claimed, meet the requirements established in Procedural Order No. 1;
- (iv) Requested party has produced all Documents which it was ordered or voluntarily undertook to produce (except for the privileged or confidential Documents duly identified in the Privilege Log).

Date:

AFFIDAVIT

My name is , external legal counsel of . This Affidavit is issued in accordance with Procedural Order No. 1 in the arbitration between Patel Engineering Limited and the Republic of Mozambique, PCA Case No. 2020-21. The terms defined in Procedural Order No. 1 have the same meaning when used in this Affidavit.

I declare that:

- (i) I have explained to the Requested party (a) its obligation not to destroy or conceal any Document potentially relevant to the above-referred arbitration, and (b) the necessity of producing, and the potential consequences of the failure to produce, any Document which Requested party has been ordered or voluntarily has undertaken to produce;
- (ii) I have advised Requested party to carry out a reasonable search, and to produce all Documents it was ordered or it voluntarily undertook to produce (except for the privileged or confidential Documents duly identified in the Privilege Log);
- (iii) All Documents for which legal or settlement privilege has been claimed, meet the requirements established in Procedural Order No. 1.

Date:
