

**IN THE MATTER OF AN ARBITRATION UNDER THE AGREEMENT ESTABLISHING
THE ASEAN-AUSTRALIA-NEW ZEALAND FREE TRADE AREA**

- and -

**THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW (2021)**

- between -

ZEPH INVESTMENTS PTE. LTD.

(“Claimant” or “Zeph”)

and

THE COMMONWEALTH OF AUSTRALIA

(“Respondent” or “Australia”, together with the Claimant, the “Parties”)

(PCA Case No. 2023-40)

**PROCEDURAL ORDER No. 6
(Post-Hearing Matters)**

Tribunal

Prof. Gabrielle Kaufmann-Kohler (Presiding Arbitrator)
Mr. William Kirtley
Prof. Donald McRae

Tribunal Secretary
Mr. Lukas Montoya

Registry
Mr. Bryce Williams
Permanent Court of Arbitration

23 September 2024

I. PROCEDURAL BACKGROUND

1. From 16 to 18 September 2024, pursuant to Procedural Order No. 5 and Step 19 of the Procedural Calendar, the hearing on jurisdiction and admissibility (“**Hearing**”) was held at the Peace Palace in The Hague, the Netherlands.
2. At the conclusion of the Hearing, the Parties and the Tribunal discussed a number of post-hearing matters, including post-hearing submissions and statements of costs, in accordance with Paragraphs 9.1 and 9.2 of Procedural Order No. 1 and Paragraphs 36 and 37 of Procedural Order No. 5.
3. On this basis, the Tribunal issues the present Order.

II. TRANSCRIPT CORRECTIONS

4. The Parties shall confer with respect to any corrections required to the transcripts for the Hearing, and submit their corrections (if possible, in a joint, agreed version) by **16 October 2024**.

III. POST-HEARING SUBMISSIONS

5. The Parties shall file short submissions (of up to 5 pages) regarding Article 27(2) of Chapter 11 of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area, by **16 October 2024**.

IV. STATEMENTS OF COSTS

6. The Parties shall submit their statements of costs by **7 February 2025**. The Parties’ statements of costs shall categorize the costs claimed by cost type (e.g. counsel fees, expert fees, travel and other expenses, etc.), and shall separate costs associated with interim relief.¹ The Parties may include short explanatory comments with respect to the costs claimed.
7. If necessary, either Party may apply for leave to submit comments in reply to the other Party’s statement of costs, by **14 February 2025**.

V. PUBLICATION OF HEARING MATERIALS

8. In accordance with Annex I of Procedural Order No. 3 (“**Transparency Rules**”):
 - i. corrected transcripts of the Hearing shall be published on the PCA website, subject to any redactions of Protected Information;
 - ii. the Parties’ main written submissions (listed in Steps 1, 7-8, and 15-16 of the Procedural Calendar) shall be published on the PCA website, subject to any redactions of Protected Information, at the end of the redaction process for the last relevant submission; and
 - iii. recordings of the Hearing shall not be made public, unless otherwise agreed by the Parties within 15 days of the circulation of the recording to the Parties.

¹ That is, relating to the Claimant’s application for interim measures dated 4 August 2023, acceleration request dated 18 August 2023, and preliminary interim measures application dated 21 August 2023.

9. PowerPoint slides and demonstrative exhibits used by the Parties in the Hearing shall be treated in the same manner as supporting documents (under paragraph 10 of the Transparency Rules), namely, they shall not be made public, unless otherwise agreed by the Parties within 30 days of the filing of the respective document.

Seat of the arbitration: Geneva, Switzerland.

On behalf of the Tribunal,

A handwritten signature in black ink, consisting of a large, stylized initial 'G' followed by a series of loops and a long horizontal stroke extending to the right.

Prof. Gabrielle Kaufmann-Kohler
President of the Tribunal