

**IN THE MATTER OF AN ARBITRATION  
BEFORE A TRIBUNAL CONSTITUTED IN ACCORDANCE WITH  
THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON  
INTERNATIONAL TRADE LAW 1976  
(the “UNCITRAL Rules”)**

**AND**

**THE AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE  
GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE  
PROMOTION AND RECIPROCAL PROTECTION OF INVESTMENTS  
(the “BIT”)**

**- between -**

**VOLGA-DNEPR AIRLINES LLC (THE RUSSIAN FEDERATION)  
(the “Claimant”)**

**- and -**

**CANADA  
(the “Respondent”, and together with the Claimant, the “disputing parties”)**

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**PROCEDURAL ORDER NO. 1**

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**The Arbitral Tribunal**

Professor Lawrence G S Boo (Presiding Arbitrator)  
Professor Georges Affaki  
Ms Jean E. Kalicki

**11 March 2025**

**CONSIDERING:**

- (A) The Tribunal's invitation to the disputing parties, on 17 January 2025, to provide a draft of this Procedural Order;
- (B) The disputing parties' respective communications of 5 February 2025, providing their written comments in respect of the Tribunal's draft order;
- (C) The procedural conference convened with the disputing parties on 7 February 2025 in respect of the organization of the proceedings;
- (D) The disputing parties' further respective submissions dated 21 February 2025 and 28 February 2025; and
- (E) The procedural conference convened with the disputing parties on 7 March 2025

The Tribunal hereby ORDERS and DIRECTS as follows:

**1. The Disputing Parties and Their Representatives**

- 1.1 The claimant is Volga-Dnepr Airlines LLC (the "Claimant"). The Claimant is represented in this arbitration by:

**Mr Kirill Udovichenko**  
**Ms Anna Kostina**  
**Mr Nikolay Zinovyev**  
**Mr Sergey Lysov**  
**Mr Oleg Kondrashov**  
**Ms Kata Varga**  
**Mr Ilia Cherezov**  
**Ms Anna Gavkalyuk**  
**Ms Daria Zavershinskaya**  
Monastyrsky, Zyuba, Stepanov & Partners ('MZS')  
3/1 Novinsky Boulevard, 8th floor  
Moscow, 121099, Russia  
Email: udovichenko@mzs.ru  
kostina@mzs.ru  
zinovyev@mzs.ru  
lysov@mzs.ru  
kondrashov@mzs.ru  
varga@mzs.ru  
cherezov@mzs.ru  
gavkalyuk@mzs.ru  
zavershinskaya@mzs.ru

The respondent is the Government of Canada (the "Respondent" and, jointly with the Claimant, the "disputing parties", and each a "disputing party"). The Respondent is represented in this arbitration by:

**Mr. Scott Little**

**Ms. Heather Squires**  
**Mr. Adam Douglas**  
**Ms. Camille Hamel**  
**Ms. Kayla McMullen**  
**Ms. Natalie Benischek**  
Trade Law Bureau (JLT)  
Global Affairs Canada, 125 Sussex Drive  
Ottawa, Ontario K1A 0G2, Canada  
Email: scott.little@international.gc.ca  
heather.squires@international.gc.ca  
adam.douglas@international.gc.ca  
camille.hamel@international.gc.ca  
kayla.mcmullen@international.gc.ca  
natalie.benischek@international.gc.ca

2. **The Arbitral Tribunal**

2.1 The Tribunal is composed of:

**Professor Lawrence Boo**  
The Arbitration Chambers  
28 Maxwell Road  
#03-18 Maxwell Chambers Suites  
Singapore, 069120  
Email: lawboo@arbiter.com.sg

**Professor Georges Affaki**  
43, rue de Courcelles  
75008 Paris, France  
Email: georges.affaki@affaki.fr

**Ms. Jean E. Kalicki**  
45 Rockefeller Plaza, 20<sup>th</sup> Floor  
New York, NY 10111  
United States  
Email: jean.kalicki@kalicki-arbitration.com

3. **Administrative Secretary**

3.1. With the consent of the disputing parties, the Tribunal has appointed as Administrative Secretary:

**Ms. Liu Xiaoyu**  
The Arbitration Chambers  
28 Maxwell Road  
#03-18 Maxwell Chambers Suites  
Singapore, 069120  
T: +65 9446 3737; F: +65 6538 1727  
E-mail: liuxiaoyu@arbiter.com.sg

**4. Decisions of the Tribunal**

- 4.1 The provisions of this and future orders shall apply in addition to the Terms of Engagement executed by the disputing parties and the Tribunal.
- 4.2 Procedural orders made by the Tribunal shall remain in force unless expressly amended or terminated by the Tribunal.
- 4.3 Decisions shall be taken by a majority of the Members of the Tribunal. The President may decide, on the basis of urgency, minor procedural issues (such as requests to extend time limits) without first consulting other Members of the Tribunal. Such decisions may be subsequently reconsidered by the full Tribunal.
- 4.4 An order signed by the President shall be taken to be an order of the Tribunal.
- 4.5 The Tribunal will issue all rulings, including the Award, within a reasonable time period. If a decision, other than an award, has not been issued within one month after the final submission on a particular matter, the Tribunal will provide the disputing parties with status updates every month. If an award has not been issued within twelve months after the final submission, the Tribunal will provide the disputing parties with status updates every three months.
- 4.6 Orders, rulings and directions made by the Tribunal may be issued by electronic means and communicated to parties by email or other forms of electronic communications.

**5. Procedural Calendar**

- 5.1 The Procedural Calendar for this arbitration is set forth in **Annex I** to this Procedural Order. The timelines for Phase 1 (relating to the submissions for bifurcation) have been agreed between the disputing parties. Steps subsequent to the completion of Phase 1 will be settled thereafter following further consultation.
- 5.2 Unless otherwise provided, all time limits shall refer to midnight at the place of arbitration on the day of the deadline.
- 5.3 If the last day of such period is an official holiday or a non-business day at the residence or place of business of the disputing party filing the submission, the period is extended until the first business day which follows. A disputing party shall communicate to the other disputing party and the Tribunal that the last day of the deadline falls onto an official holiday or non-business day at its residence or place of business as soon as that disputing party is informed of the relevant deadline but no later than within 5 business days.
- 5.4 The disputing parties may agree between themselves to adjust the Procedural Calendar.
- 5.5 The disputing parties may agree between themselves to short extensions of time, provided that the extensions do not materially affect the Procedural Calendar and the Tribunal is promptly informed. Extensions of time (and adjustments to the Procedural Calendar if needed) may be granted by the Tribunal in its discretion, upon request of a disputing party made before the expiration of the time required of any such step. Requests for extension made after time expiration will not be considered unless exceptional circumstances are shown.

**6. Applicable Governing Law and Rules**

- 6.1 The rules governing these proceedings shall be the 1976 UNCITRAL Rules and, where the Rules are silent, any rules upon which the disputing parties may agree or, in the absence of agreement, upon which the Tribunal may settle.

6.2 The governing law for this arbitration is the Agreement Between the Government of Canada and the Government of the Union of Soviet Socialist Republics for the Promotion and Protection of Investments (the Canada-USSR “BIT” or “FIPA”), together with such other laws as the Tribunal may find applicable after considering submissions by the disputing parties.

6.3 The Tribunal may seek guidance from, but shall not be bound by, the 2020 IBA Rules on the Taking of Evidence in International Arbitration.

**7. Place of Arbitration**

7.1 The place of arbitration shall be Singapore.

7.2 Irrespective of the place where an award is signed, it will be deemed to have been issued at the legal place of arbitration.

**8. Hearing Venue**

8.1 Procedural hearings may be held virtually over a platform as chosen by the Tribunal in consultation with the disputing parties.

8.2 On a date to be set by the Tribunal in advance of a substantive hearing, after consultation with the disputing parties, the Tribunal will determine whether the hearing shall be held in person, virtually, or in a hybrid format.

8.3 The venue of the arbitration shall be such place(s) as the Tribunal may determine.

8.4 However, meetings and hearings may take place at other locations, or by a virtual platform, if so decided by the Tribunal where the circumstances require and after consultation with the disputing parties. The Tribunal may meet at any location it considers appropriate for deliberations.

8.5 If applicable, the Tribunal will issue an online/hybrid hearing protocol following consultation with the disputing parties.

**9. Administrative Institution**

9.1 The Hong Kong International Arbitration Centre (HKIAC) shall act as an Administrative Institution and shall manage disputing party deposits to cover the costs of this arbitration, subject to the Tribunal’s supervision. The Administrative Institution’s fees and expenses shall be paid in the same manner as the Tribunal’s fees and expenses, without prejudice to the decision of the Tribunal as to which disputing party or disputing parties shall ultimately bear those costs.

9.2 The Tribunal may seek the Administrative Institution’s assistance in securing services required for the arbitration.

**10. Language**

10.1 The language of the arbitration shall be English.

**11. Means of Communication**

11.1 All notifications and communications by the disputing parties and by the Tribunal shall be communicated by email.

- 11.2 The disputing parties and their representatives and counsel, or anyone acting on their behalf, shall not engage, directly or indirectly, in any oral or written *ex parte* communications with any Member of the Tribunal in connection with the subject-matter of the arbitration.
- 11.3 All notifications and communications addressed by the disputing parties to the Tribunal shall be sent directly to the Tribunal electronically with copies sent simultaneously to the other disputing party and to the Administrative Secretary of the Tribunal.
- 11.4 Communications that are to be filed simultaneously shall be transmitted to the Administrative Secretary, who shall then distribute to the Tribunal and the opposing disputing party.
- 11.5 All notifications and communications shall be deemed to have been validly made to the disputing parties if they have been communicated to the Tribunal, the Administrative Secretary of the Tribunal, and representatives of the disputing parties at the email addresses set forth in the Procedural Order No. 1 or as notified by the disputing parties at a later stage.
- 11.6 Communications on behalf of the President of the Tribunal by the Administrative Secretary may be considered by the disputing parties to have been made by the entire Tribunal.

## **12. Written Submissions and Filings**

- 12.1 The disputing parties' written submissions shall be prepared in accordance with the following terms:
  - 12.1.1 Paragraphs of written submissions shall be numbered consecutively, and all written submissions shall include a table of contents.
  - 12.1.2 To facilitate filing, citations, and word processing, all written submissions, including witness statements, expert reports, exhibits and authorities, shall be provided, to the extent possible, in a non-scanned, searchable Adobe Acrobat (PDF) format.
  - 12.1.3 The disputing parties shall identify each exhibit submitted to the Tribunal with a distinct number. Each exhibit submitted by the Claimant shall begin with a letter "C" followed by the applicable number (i.e., C-1, C-2, etc.); each exhibit submitted by the Respondent shall begin with a letter "R" followed by the applicable number (i.e., R-1, R-2, etc.). The disputing parties shall use sequential numbering throughout the proceedings.
  - 12.1.4 A consolidated numerical, chronological (or other logically ordered) list describing each of the exhibits relied upon by a disputing party by exhibit number, date, type of document, author and recipient (as applicable) shall accompany each submission.
  - 12.1.5 As a general rule, the Tribunal shall not receive any exhibits that have not been introduced with a written submission.
  - 12.1.6 Each exhibit shall constitute a single electronic document. Electronic versions of exhibits and legal authorities shall be labelled by the appropriate letter and number, so that they may be ordered consecutively.
  - 12.1.7 The disputing parties shall identify each legal authority submitted to the Tribunal with a distinct number. Each legal authority submitted by the Claimant shall begin with the letters "CL" followed by the applicable number (i.e., CL-1, CL-2, etc.); each legal authority submitted by the Respondent shall begin with the letters "RL" followed by the applicable number (i.e., RL-1, RL-2, etc.). The disputing parties shall use sequential numbering throughout the proceedings.

12.1.8 Any legal authorities relied upon by a disputing party shall be clearly referenced in the written submissions. An alphabetical (or other logically ordered) list of the legal authorities relied upon by a disputing party shall accompany each submission. The disputing parties' submissions shall be transmitted in the following manner:

- a. Electronic copies of the submissions and all supporting fact and expert witness evidence shall be submitted by email.
- b. Electronic copies of all other supporting documentation (including documentary evidence witness statements, expert reports, and the list of exhibits and legal authorities), shall be uploaded/downloaded on a secure file-sharing platform administered by the Tribunal or the Administering Institution, to which the disputing parties will be granted access. Exhibits and legal authorities shall be uploaded on the platform within three business days from the date of the submission.

12.1.9 Prefix and suffix additions to the exhibit or legal authority file name intending to describe its content should be avoided as long file names may prevent downloading in Windows-operated systems. The same applies to any annexes or exhibits accompanying expert reports.

### **13. Evidence and Legal Authorities**

13.1 The disputing parties shall include with their first exchange of submissions the evidence on which they intend to rely in support of the factual and legal arguments advanced therein, including written witness testimony, expert opinion testimony, and documents. The disputing parties shall also submit with their written pleadings the international or domestic legal authorities or source documents (such as laws, decrees, or judicial decisions) cited in their submissions and on which they rely.

13.2 In their second exchange of submissions absent a showing of good cause, the disputing parties shall limit themselves to responding to allegations of fact and legal arguments made by the other disputing party in the first exchange of relevant submissions, or to address matters arising from evidence obtained during the document production phase (if applicable), unless new facts have arisen after the first exchange of relevant submissions. Together with the second exchange of submissions the disputing parties shall submit only such additional written witness testimony, expert opinion testimony, and documentary or other evidence as is necessary to respond to or rebut the matters raised in the other side's immediately prior written submission.

13.3 Following submission of the Reply and Rejoinder, the Tribunal shall not consider any evidence that has not been introduced as part of the written submissions of the disputing parties, unless the Tribunal grants leave on the basis of a reasoned request demonstrating exceptional circumstances as to why such documents were not submitted earlier together with the disputing parties' written submissions or showing other exceptional circumstances. Should such leave be granted to one side, the other side shall have an opportunity to submit evidence in response. If a disputing party requests leave to file additional or responsive written submissions or documents, that disputing party may not annex the written submission or documents that it seeks to file to its request.

13.4 If the Tribunal grants an application for submission of an additional or responsive written submission or document, the Tribunal shall ensure that the other disputing party is afforded sufficient opportunity to submit its observations and any responsive documents relating to such a written submission or document.

- 13.5 All documents, including both originals and copies, submitted to the Tribunal shall be deemed to be authentic, unless disputed by the other disputing party, in which case the Tribunal will determine whether authentication is necessary.
- 13.6 All documents shall either be submitted to the Tribunal in complete form or the disputing parties shall indicate the respects in which any document is incomplete in which case the Tribunal will determine whether production of the complete document is necessary.
- 13.7 The admissibility of evidence shall be at the absolute discretion of the Tribunal, which will be guided by but not bound by the IBA Rules on the Taking of Evidence in International Arbitration 2020.

**14. Witnesses**

- 14.1 Any person may present evidence as a witness, including a disputing party or a disputing party's officer, employee, or other representative.
- 14.2 For each witness, a written and signed witness statement shall be submitted to the Tribunal. A person who has not submitted a written witness statement shall not be heard as a witness.
- 14.3 Each witness statement shall contain at least the following:
  - 14.3.1 the name and present city of residence of the witness;
  - 14.3.2 a description of the witness's position and qualifications, if relevant to the dispute or to the contents of the statement;
  - 14.3.3 a description of any past and present relationship between the witness and the disputing parties, counsel, or members of the Tribunal;
  - 14.3.4 a description of the facts on which the witness's testimony is offered and, if applicable, the source of the witness's knowledge;
  - 14.3.5 a declaration that the contents of the statement are true; and
  - 14.3.6 the signature of the witness along with date and place of signature.
- 14.4 Witness statements shall be submitted in English or with a complete translation into English.
- 14.5 Witness statements shall be numbered discretely from other documents and properly identified as such (e.g., "CWS" (Claimant's witness statements) or "RWS" (Respondent's witness statements), followed by the applicable number). Any document to which a witness refers shall be exhibited but shall form part of the documentary exhibits submitted by the disputing party calling that witness and shall be numbered in accordance with paragraph 12.1.3 above and identified accordingly in the witness statement unless such documents or information have already been submitted as exhibits with the disputing parties' submissions, in which case reference to such exhibits shall be sufficient. Documents should not otherwise be exhibited with a witness statement. If a disputing party submits two witness statements by the same witness, the subsequent witness statement shall be awarded a consecutive number, and on its cover page shall be identified as "Second", and so on.
- 14.6 Before any oral hearing, and within the time limits set by the Tribunal, a disputing party may be called upon by the Tribunal or by opposing counsel to produce at the hearing for examination and cross-examination any witness or expert whose written testimony has been submitted with the written submissions.



- 14.7 Witness statements shall ordinarily stand in lieu of direct examination. Accordingly, witnesses shall testify at the oral hearing only if they are called by the Tribunal or by the opposing disputing party for examination or cross-examination. If not called by the Tribunal or by the opposing disputing party, a disputing party may only call its own witnesses or experts to testify at the hearing in exceptional circumstances, and after obtaining leave from the Tribunal.
- 14.8 Each disputing party shall be responsible for summoning its own witnesses to the applicable hearing, except when the other disputing party has waived cross-examination of a witness and the Tribunal does not direct his or her appearance.
- 14.9 The fact that a disputing party does not call a witness or expert whose statement or report has been submitted with the opposing disputing party's written submissions does not mean that it accepts the content of the witness statement or expert opinion. Unless the Tribunal determines that the witness must be heard, it will assess the weight of the written statement taking into account the entire record and all the relevant circumstances. The same applies in case of partial cross-examination of a witness, regarding the matters that have not been the subject of the cross-examination.
- 14.10 In the event that a witness becomes unavailable for the remainder of the arbitration due to exceptional circumstances not within the control of any of the disputing parties, the disputing party that presented that witness may present a substitute witness. The substitute witness shall provide testimony on the same issues or topics as the original witness. The disputing party that presented the witness shall notify the Tribunal and the opposing disputing party of the substitution as soon as possible, and, as the case may be, shall provide the substitute witness statement within a reasonable time frame set by the Tribunal. The Tribunal shall ensure that the substitution does not unduly prejudice the opposing disputing party.
- 14.11 The Tribunal shall not consider the witness statement of a witness who fails to appear and does not provide a valid reason. A witness who has not been called for cross-examination (or for examination by the Tribunal) has a valid reason not to appear and a witness who has been authorized to testify by videoconference, and does so, is deemed to have appeared.
- 14.12 The order of appearance of fact witnesses during the hearing shall (subject to the witnesses' availability) be determined by the disputing party calling the witness for cross-examination.
- 14.13 At any hearing, the examination of each witness shall proceed as follows:
- 14.13.1 the Presiding Arbitrator shall invite the witness to make a solemn declaration that his or her testimony will be truthful and in accordance with his or her sincere belief;
  - 14.13.2 The disputing party summoning the witness may briefly (for a maximum of 15 minutes) examine the witness for the purpose of introducing the witness; correcting, if necessary, any errors in the witness statement; and addressing matters arising after the witness statement was given, if any;
  - 14.13.3 the adverse disputing party may then cross-examine the witness on relevant matters that either were addressed or presented by that witness in his or her statement or direct examination or which otherwise form part of the record before the Tribunal to which the witness has direct knowledge;
  - 14.13.4 the disputing party summoning the witness may then re-examine the witness with respect to any matters or issues arising out of the cross-examination;
  - 14.13.5 re-cross-examination may then take place, but will be limited to the witness's testimony on re-examination at the discretion of the Tribunal; and

- 14.13.6 the Tribunal may examine the witness at any time, either before, during or after examination by one of the disputing parties.
- 14.14 It shall not be improper for counsel to meet witnesses and potential witnesses to discuss matters relating to the arbitration, prepare witness statements, and prepare for examination. Once direct examination begins, witnesses shall remain sequestered from counsel until their testimony is complete. Unless the disputing parties agree, or the Tribunal decides otherwise, a factual witness, other than a representative of the disputing party concerned, shall not be present in the hearing room during the hearing of oral testimony, discuss the testimony of any other witness, or read any transcript of any oral testimony, prior to his or her examination. This limitation does not apply to a fact witness that is the designated disputing party representative.
- 14.15 The disputing party representative referred to in paragraph 14.14 means the individual designated by a disputing party to act as its agent and give instructions to counsel at the hearing. A disputing party may designate one individual as its party representative.
- 15. Experts**
- 15.1 Each disputing party may retain and submit the evidence of one or more experts to the Tribunal.
- 15.2 Expert reports shall be accompanied by any documents or information upon which they rely unless such documents or information have already been submitted with the disputing parties' written submissions in which case reference to such exhibits shall be sufficient.
- 15.3 The provisions set out in relation to witnesses shall apply, *mutatis mutandis*, to the evidence of experts except as stated in this Section.
- 15.4 Each disputing party will submit its expert reports together with its written submission. The expert reports shall be numbered independently from other documents and properly identified, beginning with "CER-1" (Claimant's Expert Report) and "RER-1" (Respondent's Expert Report). If a disputing party submits two expert reports of the same expert witness, the subsequent report shall be identified as "Second".
- 15.5 Before he or she is cross-examined, each expert shall be permitted to make a brief (30 minutes) presentation summarizing the contents of his or her expert report(s) filed by a disputing party in the arbitration. The expert shall not be permitted to introduce new expert testimony during this presentation.
- 15.6 Unless the disputing parties agree otherwise, expert witnesses shall be allowed to be present in the hearing room at any time.
- 15.7 Notwithstanding the above, at the request of a disputing party, the Tribunal may allow an expert offered by that disputing party but not called to be cross-examined by the other disputing party, or directed by the Tribunal to appear, to testify at the hearing, provided that the other disputing party shall still have an opportunity to cross-examine such expert.
- 15.8 The Tribunal may, on its own initiative or at the request of a disputing party but in any event after having heard the disputing parties appoint one or more experts. The Tribunal shall consult with the disputing parties on the selection, terms of reference (including expert fees), and conclusions of any such expert.
- 15.9 In the event that an expert becomes unavailable for the remainder of the arbitration due to exceptional circumstances not within the control of any of the disputing parties, the disputing party that presented that expert may present a substitute expert. The substitute expert shall provide testimony on the same issues or topics as the original expert. The disputing party that presented the expert shall notify the Tribunal and the opposing disputing party of the substitution as soon

as possible, and, as the case may be, shall provide the substitute expert report within a reasonable time frame set by the Tribunal. The Tribunal shall ensure that the substitution does not unduly prejudice the opposing disputing party.

**16. Hearings**

- 16.1 The Tribunal shall after consultation with the disputing parties determine the time, agenda, and all other technical and ancillary aspects of any hearing.
- 16.2 A pre-hearing organizational video conference shall be held, at a date to be determined in consultation with the disputing parties, between the Tribunal (or its President) and the disputing parties to resolve any outstanding procedural, administrative, or logistical matters in preparation for the hearing. The Tribunal will circulate to the disputing parties a draft pre-hearing procedural order sufficiently in advance of the pre-hearing conference.
- 16.3 In principle, each disputing party will have an equal time allocation for examinations and oral arguments at the hearing, subject to adjustments required or appropriate under the circumstances.
- 16.4 Hearings shall be recorded and shall be transcribed in English using LiveNote or a similar software so that the transcript is available on a real-time basis to counsel, each member of the Tribunal, the relevant expert/witness during his/her examination, the Administrative Secretary in the hearing room. At the end of each day of hearings or as soon as practicable, the disputing parties shall be provided with the transcript of that day by email.
- 16.5 Documents, such as exhibits, slides and demonstratives presented during the hearing shall be displayed on screens available to counsel, each member of the Tribunal, the relevant witness/expert and Administrative Secretary of the Tribunal.
- 16.6 No new evidence may be presented at the hearing except with leave of the Tribunal. Should the Tribunal grant leave to a disputing party to present new evidence in the course of the hearing, it will grant the other disputing party the opportunity to introduce new evidence to rebut it.
- 16.7 The use of demonstratives (such as charts, graphs, tabulations, etc., compiling information that is in the record but is not presented in that form) shall be permitted at the hearing by counsel and experts in their presentations, provided that such exhibits contain no new evidence, and that their sources in the record are referred to. PowerPoint presentations containing such demonstratives shall be submitted in electronic format to the other disputing party, to each Member of the Tribunal, Administrative Secretary, and the court reporter, one hour prior to the presentation unless such demonstrative is to be used in the context of cross-examination.
  - 16.7.1 The disputing parties shall identify each demonstrative exhibit submitted to the Tribunal with a distinct number. Each demonstrative exhibit submitted by the Claimant shall begin with the letters “CDE” followed by the applicable number (i.e., CDE-1, CDE-2, etc.); each demonstrative exhibit submitted by the Respondent shall begin with the letters “RDE” followed by the applicable number (i.e., RDE-1, RDE-2, etc.).
  - 16.7.2 The disputing parties shall use sequential numbering in the order of submission of the demonstrative exhibit throughout the proceedings.
- 16.8 The disputing parties shall agree on any corrections to the transcripts within one month of receipt of the relevant minutes or transcripts (or any other period determined by the Tribunal in consultation with the disputing parties). Any disagreement between the disputing parties over corrections to be made to the transcripts will be resolved by the Tribunal. Further, any correction adopted by the Tribunal or agreed between the disputing parties shall be reflected in the ‘revised transcript’ or ‘revised minutes’, as applicable.

**17. Translations**

- 17.1 All pleadings shall be submitted in English.
- 17.2 Any expert reports, witness statements, exhibits, legal authorities, or other accompanying documentation originally written in any language other than English shall be submitted in the original language, together with a translation into English.
- 17.3 Whenever a disputing party considers that the content of a lengthy document is not relevant in its entirety, the translation may be limited to all relevant passages together with such other portions of the document necessary to put such passages into proper context. The Tribunal may, however, require a more extensive or complete translation upon the reasoned request of a disputing party or on its own initiative.
- 17.4 Informal non-certified translations will be accepted as accurate unless contested by the other disputing party, in which case the disputing parties will attempt to reach agreement on the translation. In the event that the disputing parties are not able to reach agreement, either disputing party may request the Tribunal to require a certified translation. The Tribunal will determine whether a certified translation is required.
- 17.5 As a general principle, the cost of a translation shall be borne initially by the disputing party providing the translation, without prejudice to the decision of the Tribunal as to which disputing party shall ultimately bear those costs and in what amount.

**18. Legal Representation**

- 18.1 Any addition or change to a disputing party's legal representation must be notified to the other disputing party and to the Tribunal within 48 hours of such addition or change.
- 18.2 After the constitution of the Tribunal, a disputing party shall not retain new representatives when a relationship exists between the representative and an Arbitrator that would create a conflict of interest, unless none of the disputing parties objects within 15 days of disclosure.
- 18.3 In determining whether a conflict of interest exists, the Tribunal may seek guidance from, but shall not be bound by, the 2024 IBA Guidelines on Conflicts of Interest in International Arbitration.
- 18.4 The disputing party must seek permission of the Tribunal for a new representative to appear in the proceedings. In order to ensure the integrity of the proceedings the Tribunal reserves the right to refuse to permit a disputing party's legal representative to appear.
- 18.5 For the purposes of this Section, "representative" means any person, including a disputing party's employee, who appears in this arbitration on behalf of a disputing party and makes submissions, arguments or representations to the Tribunal on behalf of such disputing party, other than in the capacity as a witness or expert, and whether or not legally qualified or admitted to any domestic bar.

**19. Procedural Requests**

- 19.1 All requests with respect to procedural issues shall be made in writing except during a hearing, when such requests can be made orally.
- 19.2 If a disputing party introduces a procedural request, as a general rule, the other disputing party shall have 5 business days, not including the day on which the request was made, to reply, unless otherwise agreed by the disputing parties or ordered by the Tribunal.

19.3 No further submissions on a request shall be made by either disputing party without the express authorization of the Tribunal in advance.

**20. Post-Hearing Submissions and Statements of Costs**

20.1 The Tribunal will issue directions on timing and content the disputing parties' submissions on costs and post-hearing briefs at the appropriate stage.

**21. Third Party Funding**

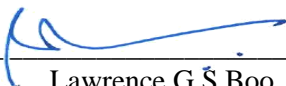
21.1 If a disputing party is supported or is considering financial support in these proceedings by a third-party funder, the disputing party shall disclose the name and address of the third-party funder (including the identities of the entities, persons or entities in effective control) from which financial assistance is received or sought, and whether the third-party funding arrangement includes an agreement to bear any order for adverse costs orders against the disputing party.

**22. Confidentiality**

22.1 The Tribunal will, following consultation with the disputing parties, draw up directions relating to the scope of confidentiality and the extent of public disclosure on the matters in this arbitration.

Place of Arbitration: Singapore

Date: 11 March 2025

  
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Lawrence G S Boo  
(Presiding Arbitrator)  
On behalf of the Tribunal

**ANNEX I – PROCEDURAL CALENDAR**

EVENT	DATE
<b><i>Initial Phase 1</i></b>	
Procedural meetings	7 February 2025 and 7 March 2025
Issuance of First Procedural Order	A
Respondent's Request for Bifurcation of Certain Jurisdictional Objections	A + 40 <sup>1</sup>
Claimant's Response to Canada's Request for Bifurcation	+ 40 days
Hearing on Issues of Bifurcation	TBD
Decision on Bifurcation	B

*[STEPS BELOW WILL BE SUBJECT TO FURTHER DIRECTIONS FROM THE TRIBUNAL FOLLOWING THE DECISION ON BIFURCATION]*

EVENT	DATE
<b><i>Should the proceedings be bifurcated</i></b>	
Respondent's Memorial on Jurisdiction of Bifurcated Issues	B + 75 days
Claimant's Counter-Memorial on Jurisdiction	+ 75 days
Respondent's Reply Memorial on Jurisdiction	+ 60 days
Claimant's Rejoinder Memorial on Jurisdiction	+ 60 days
Pre-hearing conference	TBD
Oral Hearing	TBD
Decision on Jurisdiction	C
<b><i>If jurisdiction is sustained and the case proceeds to merits and damages</i></b>	
<b><i>Written Submissions</i></b>	
Claimant's Memorial on Merits and Damages	C + 90 days

<sup>1</sup> The time periods are subject to the Procedural Order's provisions on non-business days.

Respondent's Counter-Memorial on Merits and Damages and Any Additional Jurisdictional Objections <sup>2</sup>	+ 90 days
<b>[RES: Document Production<sup>3</sup></b>	
Simultaneous requests for document production	+ 30 days
Objections to production (if any)	+ 30 days
Responses to objections to production (if any)	+ 15 days
Reasoned applications for an order on production of documents in the form of a Redfern Schedule (Annex II) if necessary	+ 15 days
Tribunal's decision on document production, if necessary	D
Production of documents]	D + 30
<b>Further Written Submissions</b>	
Claimant's Reply Memorial on Merits and Damages and Response to Additional Jurisdictional Objections)	+ 60
Respondent's Rejoinder Memorial on Merits and Damages and Additional Jurisdictional Objections)	+ 60
<b>Hearing</b>	
Pre-hearing conference	TBD
Oral Hearing	TBD
Final Award	

EVENT	DATE
<b><i>Should the proceedings <u>not</u> be bifurcated</i></b>	
Claimant's Memorial on Jurisdiction, Merits and Damages	+ 90 days from Decision on Bifurcation
Respondent's Counter-Memorial on Jurisdiction, Merits and Damages	+ 90 days
<b>[RES: Document Production<sup>4</sup></b>	
Simultaneous requests for document production	+ 30 days

<sup>2</sup> This would include any jurisdictional objection which did not form part of Canada's request for bifurcation, or any jurisdictional objection that did form part of such a request, but where the request only granted in part.

<sup>3</sup> [RES: The Tribunal will issue a procedural order with respect to the need for and modalities of document production prior to this date, with disputing parties having an opportunity to comment on a draft of such document in advance].

<sup>4</sup> [RES: The Tribunal will issue a procedural order with respect to the need for and modalities of document production prior to this date, with disputing parties having an opportunity to comment on a draft of such document in advance.]

Objections to production (if any)	+ 30 days
Responses to objections to production (if any)	+ 15 days
Reasoned applications for an order on production of documents in the form of a Redfern Schedule (Annex II), if necessary	+ 15 days
Tribunal's decision on document production, if necessary	D
Production of documents]	D + 45
<b><i>Further Written Submissions</i></b>	
Claimant's Reply Memorial on Jurisdiction, Merits and Damages	+ 60
Respondent's Rejoinder Memorial on Jurisdiction, Merits and Damages	+ 60
<b><i>Hearing</i></b>	
Pre-hearing conference	TBD
Oral Hearing	TBD
Final Award	TBD