

PCA Case No. 2016-39

**IN THE MATTER OF AN ARBITRATION UNDER THE AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA FOR THE
PROMOTION AND PROTECTION OF INVESTMENTS, SIGNED ON 24 MAY 1988**

- and -

THE UNCITRAL ARBITRATION RULES

- between -

GLENCORE FINANCE (BERMUDA) LTD

(the “Claimant”)

- and -

THE PLURINATIONAL STATE OF BOLIVIA

(the “Respondent”, and together with the Claimant, the “Parties”)

PROCEDURAL ORDER NO. 6

Tribunal

Prof. Ricardo Ramírez Hernández (Presiding Arbitrator)

Prof. John Y. Gotanda

Prof. Philippe Sands

31 May 2019

I. PROCEDURAL BACKGROUND

1. On 31 January 2018, the Tribunal issued Procedural Order No. 2, whereby it decided to hear together the Parties' submissions regarding jurisdiction, admissibility, and merits, while bifurcating the proceedings with regard to quantum to a later phase of the proceedings, if any.
2. From 20 to 23 May 2019, the Parties and the Tribunal held in Paris the hearing on jurisdiction and merits (the "**Hearing**").

II. ANALYSIS OF THE TRIBUNAL

3. Upon deliberation, the Tribunal is of the view that certain matters of jurisdiction and merits in this arbitration may be intertwined with questions relating to quantum. As a result, notwithstanding the possibility that the Tribunal may yet decide to render an award on the basis of the Parties' submissions to date, the Tribunal would therefore wish to have the Parties' complete their submissions on quantum as soon as reasonably possible.
4. The Tribunal notes that the Parties have already made a first full submission on quantum in their respective Statements of Claim and Defence. The Tribunal therefore envisages receiving a single further round of responsive submissions, with a view to holding a further hearing on quantum on 11-12 December 2019.

5. [REDACTED]

¹ [REDACTED]

[REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

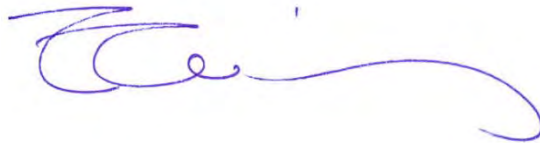
[REDACTED]

[REDACTED]

7. To the extent that the Claimant has already produced complete unredacted copies of documents responsive to the categories mentioned above, it shall so indicate and identify the relevant exhibit numbers in the record of this arbitration.
8. To the extent that the Claimant objects to producing any documents responsive to the categories mentioned above, or wishes to redact any portion of any particular document, it shall identify the grounds invoked for non-production or redaction with reference to Article 9(2) of the *IBA Rules on the Taking of Evidence in International Arbitration 2010*. The Respondent may comment thereafter within a period to be fixed by the Tribunal. The Tribunal shall then rule on any such objection or request for redaction.
9. Following the production of these documents by the Claimant, the Parties shall be afforded an opportunity to make submissions on the new documents, either as part of their responsive submissions on quantum or separately, prior to the further hearing to be held on 11-12 December 2019.

III. DECISION

10. The Parties are invited to confer and attempt to agree on a further procedural calendar for responsive submissions on quantum leading up to a hearing on quantum on **11-12 December 2019**.
11. The Parties shall revert to the Tribunal, whether jointly or individually, with their proposed procedural calendar for further submissions by no later than **Friday, 14 June 2019**. Such calendar may also include an opportunity for the Parties to provide any comments which they may have in relation to the further documents to be produced by the Claimant in accordance with this Procedural Order.
12. The Claimant is requested to produce the documents referred to in paragraphs 5-6 of this Procedural Order, as well as any response in accordance with paragraphs 7-8 of this Procedural Order, by no later than **Friday, 21 June 2019**.



Prof. Ricardo Ramírez Hernández
(Presiding Arbitrator)

On behalf of the Tribunal