

International Centre for Settlement of Investment Disputes  
Washington, D.C.

In the proceedings between

Suez, Sociedad General de Aguas de Barcelona S.A., and Vivendi Universal S.A.  
(Claimants)

and

The Argentine Republic  
(Respondent)

ICSID Case No. ARB/03/19

and

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In the arbitration under the Rules of the  
United Nations Commission on International Trade Law between

AWG Group Ltd. (Claimant)

and

The Argentine Republic (Respondent)

**Procedural Order No. 2**

The Tribunal, having overruled the objections to jurisdiction submitted by the Respondent in the above cases, issues the following procedural order for the continuation of the proceedings on the merits, pursuant to Rule 19 and 41(4) of the Arbitration Rules of the Centre and Articles 15 and 21 of the UNCITRAL Arbitration Rules:

1. During the first session of the Tribunal with the parties, held at the seat of the Centre in Washington, D.C. on June 7, 2004, it was agreed that the written phase in this cases would comprise four consecutive written pleadings: a memorial filed by the Claimants; a counter-memorial filed by the Respondent; a reply and a rejoinder. A schedule for these submissions was also fixed.
2. In accordance with such schedule, the Claimants would file a joint memorial on the merits on January 1, 2005; the Respondent would file a counter-memorial on the merits within one hundred and twenty (120) days from its receipt of the Claimants' memorial; the Claimants would then file a reply on the merits within sixty (60) days from

their receipt of the Respondent's counter-memorial; and the Respondent would file a rejoinder on the merits within sixty (60) days from its receipt of the Claimants' reply.

3. During the June 7, 2004 session it was also agreed that, should the Argentine Republic raise objections to jurisdiction, it would do so within sixty (60) days from its receipt of the memorial on the merits from the Claimants. Thereafter the proceedings on the merits would be suspended in accordance with ICSID Arbitration Rule 41(3); Claimants would file a counter-memorial on jurisdiction within thirty (30) days from their receipt of the Respondent's objections to jurisdiction; and the Tribunal would thereafter hold a hearing on jurisdiction.

4. During the session it was finally agreed that:

- a) Should the Tribunal decide that it has jurisdiction or to join the question of jurisdiction to the merits of the dispute, the proceedings on the merits would be resumed; and,
- b) The Respondent will have for the filing of its counter-memorial on the merits the number of days equal to the original one hundred and twenty (120) less the number of days used for the filing of its objections to jurisdiction;
- c) The Claimants shall then file their reply on the merits within sixty (60) days from their receipt of the Respondent's counter-memorial;
- d) The Respondent shall file its rejoinder on the merits within sixty (60) days from its receipt of the Claimants' reply; and
- e) The Tribunal shall then, in consultation with the parties as far as possible, fix a date for a hearing.

5. On January 1, 2005, the Claimants filed their joint memorial on the merits. A copy of the Claimants' memorial, with accompanying documentation, was received by the Argentine Republic on January 13, 2005. On February 28, 2005, Argentina filed a Memorial with objections to jurisdiction. On March 17, 2005, the Tribunal confirmed the suspension of the proceedings on the merits in accordance with ICSID Arbitration Rule 41(3). On April 6, 2005, the Claimants filed their counter-memorial on jurisdiction. A hearing on jurisdiction was held on May 11, 2005, at the seat of the Centre in Washington, D.C.

6. The Tribunal having overruled the objections to jurisdiction raised by the Respondent, the calendar agreed upon during the June 7, 2004 session of the Tribunal

with the parties shall be applied. Accordingly, the Claimants having filed their memorial on the merits, the following time limits for further procedures on the merits will apply:

- a) The Respondent shall file its counter-memorial on the merits within seventy-four (74) days from the date of this procedural order;
- b) The Claimants shall file their reply within sixty (60) days from their receipt of the Respondent's counter-memorial;
- c) The Respondent shall file its rejoinder within sixty (60) days from its receipt of the Claimants' reply;
- d) The Tribunal shall thereafter fix a date for a hearing, in consultation with the parties.

Done in English and Spanish



Prof. Jeswald W. Salacuse  
President of the Tribunal  
Medford, MA,

AUGUST 3, 2006