

Directions from the Tribunal to the Parties of November 4, 2013.

Dear Mesdames and Sirs,

The Arbitral Tribunal refers to the Parties' correspondence of the last month referring to Claimants' requests for Database updates, discontinuance of the proceedings with regard to withdrawn Claimants and time extension, and to Respondent's request for suspension of the time limits.

With regard to the update of New Data, such updates are hereby granted. However, the Arbitral Tribunal reserves its decision on whether these new documents shall be formally admitted into the record and Claimants should take the necessary measures to be able to restore the previous status of the Database, in case the Arbitral Tribunal was to eventually not admit these documents. Thus, both Parties should address the issue of admissibility in their Memorials.

With regard to the request for discontinuance, and in reliance on paras 621 - 640 of the Arbitral Tribunal's Decision on Jurisdiction and Admissibility, the discontinuance is granted with regard to the Claimants listed in the list attached to Claimants' letter of 25 September 2013 ("Withdrawing Claimants") to the extent that these Claimants' withdrawal is 'full and final' in the sense of para. 629 of the Arbitral Tribunal's Decision on Jurisdiction and Admissibility and lit a) p. 2 of Respondent's letter of 24 October 2013. Whether or not such withdrawal is 'full and final' shall be addressed by the Parties in their Memorials and the Arbitral Tribunal will finally decide on such withdrawal after receiving the Parties' Memorials. In the meantime, Claimants are entitled to withdraw the Withdrawing Claimants from the Database, provided they ensure that the previous state of the Database may be restored in case the Arbitral Tribunal was to find that the conditions for discontinuance are not met with regard to some or all of these Claimants.

With regard to Claimants' request for extension of the deadline for submission of Claimants' Reply Memorial, the Procedural Timetable is modified as follows:

2C	19 November 2013 (75 days)	Claimants	Reply on Respondent's Memorial on Phase 2 (CL ReplyMP2)	PO No. 12, para & PO No. 15, paras - 43-44
	+ 75 days as of receipt of Spanish CL ReplyMP2	Respondent	Rejoinder on Claimants' Reply Memorial on Phase 2 (RSP RejMP2)	PO No. 12, para 6 & PO No. 15, paras 43-44
	+ 4 weeks as of receipt of English RSP REjMP2 (TBC)	Claimants	Rejoinder Memorial on Jurisdiction regarding new arguments or documents, if any	PO No. 12, para 6 & PO No. 15, para 45

	16-27 June 2014	ALL	Hearing on Phase 2 (Hearing P2)	PO No. 12, para 8 & PO No. 15, para 46, and Directions of 21 October 2013
	TBD	Claimants & Respondent	Post-Hearing Briefs	PO No. 12, para 9
	TBD	Tribunal	Decision on Phase 2	

Best regards

Pierre Tercier

On behalf of the majority of the Arbitral Tribunal

A Dissenting Statement of Dr. Santiago Torres Bernárdez is being prepared and will be sent to the Parties shortly.