

PCA Case No. 2023-60

**IN THE MATTER OF AN ARBITRATION UNDER  
THE CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS OF 19 SEPTEMBER 1979**

- between -

**THE REPUBLIC OF AZERBAIJAN**

- and -

**THE REPUBLIC OF ARMENIA**

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**PROCEDURAL ORDER NO. 2  
(Procedural Timetable)**

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**Arbitral Tribunal**

Dr. Václav Mikulka (Presiding Arbitrator)  
Judge Bruno Simma  
Judge Nicolas Michel

**Registry**

Mr. Bryce Williams  
Mr. Martin Doe  
Permanent Court of Arbitration

15 May 2024

**WHEREAS** on 18 January 2023, the Republic of Azerbaijan (“**Azerbaijan**”), by way of its Notice of Arbitration, commenced arbitral proceedings against the Republic of Armenia (“**Armenia**”) pursuant to Article 18(2) of the Convention on the Conservation of European Wildlife and Natural Habitats of 19 September 1979 (the “**Bern Convention**”);

**WHEREAS** on 5 July 2023, the arbitral tribunal (the “**Tribunal**”) in these proceedings was fully constituted with the appointment of the presiding arbitrator;

**WHEREAS** on 15 February 2024, the Tribunal invited the Parties to confer on the procedural timetable for these proceedings, and revert with a joint proposal, or individual proposals together with an explanation of the Parties’ positions, by 14 March 2024, and invited the Parties to indicate their availability to attend a first procedural conference, by 26 February 2024;

**WHEREAS** on 26 February 2024, the Parties confirmed their respective availabilities to attend a first procedural conference, and on 27 February 2024, the Tribunal fixed 12 April 2024 as the date for the first procedural conference, to take place at the Peace Palace, The Hague, the Netherlands;

**WHEREAS** on 14 March 2024, the Parties reverted to the Tribunal with their respective proposals for the procedural timetable for these proceedings, and explanations for their respective positions on the aspects of the timetable where the Parties had been unable to reach agreement;

**WHEREAS** on 29 March 2024, the Tribunal finalised and issued its Procedural Order No. 1, formally adopting the Rules of Procedure annexed to the Order (the “**Rules of Procedure**”);

**WHEREAS** in its letter of 29 March 2024, the Tribunal also confirmed that the first procedural conference would take place as scheduled, and invited the Parties to provide comments on a draft agenda for the conference, including agenda items addressing each of the aspects of the procedural timetable where the Parties had been unable to reach agreement, by 5 April 2024;

**WHEREAS** on 5 April 2024, the Parties confirmed that they had no comments on, or items to add to, the draft agenda for the first procedural conference, and on 8 April 2024, the Tribunal finalised the agenda;

**WHEREAS** on 12 April 2024, the Tribunal held the first procedural conference for these proceedings, in the Peace Palace, The Hague, the Netherlands, at which the Parties presented further submissions on the aspects of the procedural timetable where they had been unable to reach agreement;

**WHEREAS** on 30 April 2024, the Tribunal provided the Parties with a draft of this Order and invited the Parties to indicate their availability for the potential hearings contemplated in the procedural timetable, which the Parties did on 10 May 2024;

## **THE TRIBUNAL HEREBY DECIDES:**

### **1. Adoption of the Procedural Timetable**

- 1.1 Having carefully considered the submissions of the Parties, and having due regard to the need:
- (a) to ensure that the Parties are treated with equality and that at any stage of the proceedings each Party is given a full opportunity to be heard and to present its case (further to Article 9(1) of the Rules of Procedure); and
  - (b) to conduct the proceedings so as to avoid unnecessary delay and expense and to provide a fair and efficient process for resolving the Parties’ dispute (further to Article 9(2) of the Rules of Procedure),

the Tribunal adopts the procedural timetable annexed to this Order (“**Procedural Timetable**”).

- 1.2 Further to Step A3 of Timetable A, and pursuant to Article 14(3) of the Rules of Procedure, any objection by Armenia to the Tribunal’s jurisdiction or to the admissibility of any claim made in the proceedings, the decision on which is requested before any further proceedings on the merits (a “**Preliminary Objection**”), shall be raised in writing by **12 June 2025**.
- (a) If any Preliminary Objections are raised by Armenia by the deadline, the proceedings shall continue in accordance with **Timetable B** (Step B2).
  - (b) If no Preliminary Objections are raised by Armenia by the deadline, the proceedings shall continue in accordance with **Timetable A** (Step A4).
- 1.3 Further to Step B2 of Timetable B, and pursuant to Article 14(4) of the Rules of Procedure, any opposition by Azerbaijan to the determination of any Preliminary Objection in a preliminary phase of the proceedings (an “**Opposition**”), shall be raised in writing by **24 July 2025**.
- (a) If an Opposition is raised by Azerbaijan by the deadline, the proceedings shall continue in accordance with **Timetable C** (Step C2).
  - (b) If no Opposition is raised by Azerbaijan by the deadline, the proceedings shall continue in accordance with **Timetable B** (Step B3).
- 1.4 Further to Article 4(4) of the Rules of Procedure, the Tribunal may, on the application of a Party or on its own initiative, extend or abridge any period of time indicated in the Procedural Timetable, after inviting the views of the Parties.

Date: 15 May 2024



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Dr. Václav Mikulka  
Presiding Arbitrator  
(on behalf of the Tribunal)

## ANNEX – PROCEDURAL TIMETABLE

**TIMETABLE A (NO PRELIMINARY OBJECTIONS RAISED)**

#	STEP	PARTY	INTERVAL (DAYS)	DEADLINE
A1	First Procedural Conference	All		12 April 2024 (Fri)
A2	Memorial (Statement of Claim)	Azerbaijan	306	12 February 2025 (Wed)
A3 / B1	Memorial on Preliminary Objections (if any)	Armenia	120	12 June 2025 (Thu)
<i>If any Preliminary Objections are raised by <b>12 June 2025</b>, proceedings continue in accordance with Timetable B (Step B2).</i>				
<i>If no Preliminary Objections are raised by <b>12 June 2025</b>, proceedings continue with Step A4.</i>				
A4	Counter-Memorial (Statement of Defence)	Armenia	306 <i>(from Step A2)</i>	15 December 2025 (Mon)
<b><u>Tribunal to determine further steps in the proceedings after inviting the views of the Parties<sup>1</sup></u></b>				

<sup>1</sup> The Tribunal will invite the views of the Parties on the further steps in the proceedings approximately two months prior to the deadline for the submission of the Counter-Memorial (Statement of Defence) (Step A4).

**TIMETABLE B (PRELIMINARY OBJECTIONS RAISED)**

#	STEP	PARTY	INTERVAL (DAYS)	DEADLINE
<b>B1</b>	Memorial on Preliminary Objections	Armenia	-	12 June 2025 (Thu)
<b>B2 / C1</b>	Opposition to Bifurcation of Preliminary Objections (if any)	Azerbaijan	42	24 July 2025 (Thu)
<i>If an Opposition is raised by 24 July 2025, proceedings continue in accordance with Timetable C (Step C2). If no Opposition is raised by 24 July 2025, proceedings continue with Step B3.</i>				
<b>B3</b>	Counter-Memorial on Preliminary Objections	Azerbaijan	120 <i>(from Step B1)</i>	10 October 2025 (Fri)
<b>Document Production (Preliminary Objections only) (if required)</b>				
<b>B4</b>	Exchange Production Requests	Parties	14	24 October 2025 (Fri)
<b>B5</b>	Exchange Production Objections	Parties	14	7 November 2025 (Fri)
<b>B6</b>	Exchange Production Replies / Submit to Tribunal	Parties	7	14 November 2025 (Fri)
<b>B7</b>	<b>CMC and Hearing on Production Disputes (~0.5 days)</b>	<b>All</b>	<b>5</b>	<b>19 November 2025 (Wed)</b>
<b>B8</b>	Target Decision Date for Production Disputes	Tribunal	12	1 December 2025 (Mon)
<b>B9</b>	Production Deadline	Parties	21	22 December 2025 (Mon)
<b>Second Round Submissions (Preliminary Objections) (per Article 14(6) of the Rules of Procedure)</b>				
<b>B10</b>	Reply on Preliminary Objections	Armenia	25	16 January 2026 (Fri)
<b>B11</b>	Rejoinder on Preliminary Objections	Azerbaijan	91	17 April 2026 (Fri)
<b>Pre-Hearing / Hearing (Preliminary Objections)</b>				
<b>B12</b>	Notification of fact / expert witnesses	Parties	14	1 May 2026 (Fri)
<b>B13</b>	Pre-Hearing Conference	All	7	8 May 2026 (Fri)
<b>B14</b>	<b>Hearing on Preliminary Objections (~5 days)<sup>2</sup></b>	<b>All</b>	<b>24</b>	<b>1 June 2026 (Mon) – 5 June 2026 (Fri)</b>
<b><u>Tribunal to determine further steps in the proceedings after inviting the views of the Parties</u></b>				

<sup>2</sup> Further to Article 33(1)(a) of the Rules of Procedure, the Parties shall provide notifications of confidential information no later than **27 April 2026** (in relation to the Rejoinder on Preliminary Objections and accompanying evidence), and no later than **17 April 2026** (in relation to all other submissions and evidence to be published at the opening of the Hearing on Preliminary Objections).

**TIMETABLE C (OPPOSITION RAISED)**

<b>#</b>	<b>STEP</b>	<b>PARTY</b>	<b>INTERVAL (DAYS)</b>	<b>DEADLINE</b>
<b>C1</b>	Opposition to Bifurcation of Preliminary Objections	Azerbaijan	-	24 July 2025 (Thu)
<b>C2</b>	Response to Opposition to Bifurcation	Armenia	42	4 September 2025 (Thu)
<b>C3</b>	<b>Hearing on Bifurcation (~1.5 days)</b>	<b>All</b>	<b>42</b>	<b>16 October 2025 (Thu) – 17 October 2025 (Fri)</b>
<b><i>Tribunal to determine further steps in the proceedings after inviting the views of the Parties</i></b>				