

**International Centre for Settlement of Investment Disputes**

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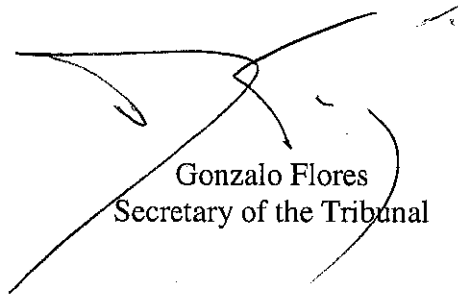
**CERTIFICATE**

Cargill, Incorporated

v.

United Mexican States  
(ICSID CASE No. ARB(AF)/05/2)

I hereby certify that the attached document is a true copy of the Tribunal's  
Procedural Order No. 1 of November 2, 2006.



Gonzalo Flores  
Secretary of the Tribunal

Washington, D.C., November 7, 2006

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES  
UNDER THE RULES GOVERNING THE ADDITIONAL FACILITY  
FOR THE ADMINISTRATION OF PROCEEDINGS  
AND UNDER THE NORTH AMERICAN FREE TRADE AGREEMENT

**CARGILL, INC.**  
*Claimant,*  
v.  
**THE UNITED MEXICAN STATES,**  
*Respondent.*

ICSID Case No. ARB (AF)/05/2

**Procedural Order No. 1**  
**Concerning Confidential Information**

(November 2, 2006)

**Considering:**

That pleadings and evidence to be submitted in the course of the above-captioned proceeding may contain business confidential or government confidential information ("Confidential Information"); and that a Procedural Protective Order issued by the Tribunal, and a confidentiality declaration by the Parties pursuant to that Order, are necessary to protect the Confidential Information.

The Tribunal Hereby Orders as Follows:

1. Any document (including a file in electronic form) submitted by a party during the course of the proceeding that contains Confidential Information shall be designated as confidential by the submitting party. All such documents (the "Confidential Documents") and all information derived therefrom, but not from any source independent of the Confidential Documents, are to be treated as confidential pursuant to the terms of the present Order. Confidential Documents and information derived therefrom shall be subject to this Order except if they (i) are already in the public domain at the time of designation; (ii) subsequently become public through means not in violation of this Order; or (iii) are disclosed to the receiving party by a third party who is not bound by any duty of confidentiality and who has the right to make such disclosure.

2. All Confidential Documents and any information derived therefrom shall be used solely in the context of the present arbitration and shall not be used for any other purpose.
3. Prior to the receipt of Confidential Documents or any information derived therefrom, any person authorized under paragraph 4(b), (c) and (d) below shall execute a declaration substantially in the form of the declaration annexed hereto as Exhibit A.
4. Confidential Documents or the information contained therein may be disclosed or described only to the following persons:
  - (a) The Tribunal and its staff, including the staff of the International Centre for Settlement of Investment Disputes ("ICSID");
  - (b) Attorneys, counsel, paralegals and other staff counsel for each Party;
  - (c) Representatives of the Parties (including, in the case of Respondent, government officials and employees) who are actively engaged in, or who are responsible for decision-making in connection with, the present arbitration; and
  - (d) Fact witnesses and consulting or testifying experts of the Parties.
5. All Confidential Documents shall be marked clearly on each page: "CONFIDENTIAL." Confidential Information contained in documents submitted to the Tribunal and to the other party shall be placed within brackets. The parties shall to the extent practical consult with each other as appropriate to ensure that Confidential Information is properly bracketed in documents submitted to the Tribunal.
6. The Parties shall designate information as confidential in good faith and not in an arbitrary manner. Confidential Information is (i) business confidential information of the Claimants that is protected from public disclosure under U.S. statutes such as the antitrust, trade secret, and trade remedy (e.g., antidumping and countervailing duty) laws, and (ii) information in the possession of the Mexican government that is protected from public disclosure under Mexico's *Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental* and applicable privacy statutes. Legal arguments presented to the Tribunal are not Confidential Information. If a Party does not agree that information designated by the other Party as Confidential Information meets these criteria, it may request that the Tribunal issue a ruling on whether the information at issue is covered by this Order.
7. Each Party shall be responsible for preparing a public version of its documents containing Confidential Information from which such information has been redacted.

8. All Confidential Documents and all information derived therefrom shall be securely stored by the persons authorized under paragraph 4 of the present Order when not actively in use, in such manner as to safeguard their confidentiality and to ensure that they are accessible only for those persons.
9. If the Tribunal makes use of Confidential Documents or information derived therefrom in any decision, including an arbitral award, it shall designate the portions relating to such document or information as confidential, and place them between brackets; the portions so designated shall not be disclosed by either party or any person authorized under paragraph 4 of the present Order.
10. Within 30 days after the final conclusion of the dispute (including any appeals or settlement), counsel for each Party shall destroy (and shall certify in writing to counsel of the other Party that it has destroyed) all Confidential Documents and any copies thereof, as well as any information derived therefrom, in whatever form, and that no person authorized under paragraph 4(b), (c) and (d) of the present Order remains in possession of such document or information. The Tribunal and its staff (excluding the staff of the International Centre for Settlement of Investment Disputes (ICSID)) shall destroy such documents and information within the same period of time.

On behalf of the Tribunal,



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Dr. Michael C. Pyles,  
President of the Tribunal

2 November 2006

Exhibit A to Order No. 1 of November 2, 2006

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\_\_\_\_\_ 2006

I, [ name], [title], hereby acknowledge that I am a person encompassed by paragraph [4(b)] [4(c)] [4(d)] of the Order, and declare that:

- (a) I have read Order No. 1 dated November 2, 2006 of the Tribunal in the above captioned arbitration (the "Order"); and
- (b) I shall abide by all of the terms of the Order including, without limitation, the obligation to: (1) disclose Confidential Documents to, and discuss information derived therefrom only with those persons authorized under paragraph 4 of the Order; (2) utilize such documents and information solely in connection with the above-captioned arbitration; and, (3) comply with the document destruction obligation in paragraph 9 of the Order, when applicable.

\_\_\_\_\_  
Name