

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**CMC Muratori Cementisti CMC Di Ravenna SOC. Coop.; CMC Muratori Cementisti
CMC Di Ravenna SOC. Coop. A.R.L. Maputo Branch and CMC Africa Austral, LDA**

v.

Republic of Mozambique

(ICSID Case No. ARB/17/23)

PROCEDURAL ORDER NO. 4

Members of the Tribunal

Mr. John M. Townsend, President of the Tribunal
Mr. J. Brian Casey, Arbitrator
Mr. Peter Rees QC, Arbitrator

Secretary of the Tribunal

Ms. Ella Rosenberg

December 19, 2018

Background

1. On December 6 and 7, 2018, counsel for each party submitted to the Tribunal for its rulings a Redfern Schedule setting forth the parties' positions, agreements, and disagreements concerning requests for documents related to the merits made by each party to the other. The Claimants propounded 11 requests for documents to the Respondent, and the Respondent propounded 43 requests for documents to the Claimants, but not all of the requests were disputed.
2. The Redfern Schedules were submitted pursuant to Paragraph 15.1 of and Annex A to Procedural Order No. 1. The Tribunal rules on the Requests pursuant to Article 43(a) of the ICSID Convention and ICSID Arbitration Rule 34(2).
3. The Tribunal's rulings on the Requests are without prejudice to any determination as to the admissibility, relevance, or probative value of documents produced or any other determination as to the merits of the case.

Rulings

4. Attached to this Procedural Order No. 4 as Annex A is a copy of the Redfern Schedule submitted to the Tribunal by the Claimants, and attached as Annex B is a copy of the Redfern Schedule submitted by the Respondent. The Tribunal's rulings as to each Request for which a ruling was sought are set forth in the right-hand column of each schedule.
5. The Tribunal makes the following observations:
 - a. To the extent that any document to be produced may already be part of the record of this arbitration, it will be sufficient for the producing party to identify it by exhibit number or other specific reference to the record.
 - b. If any document to be produced contains confidential information that requires protection, it may be delivered subject to later entry of a confidentiality order.
 - i. Any such document shall be marked "*subject to confidentiality order.*"
 - ii. The party claiming confidentiality shall submit a proposed confidentiality order to the Tribunal within ten days of producing such

a document, and the other party shall submit any comments it may have on the proposed order to the Tribunal within seven days thereafter.

- c. Pending the entry of a confidentiality order by the Tribunal, any document marked “*subject to confidentiality order*” shall be treated by the party receiving it, the ICSID Secretariat, and the Tribunal as confidential and shall not be shown to any person other than (i) outside counsel identified as such on Procedural Order No. 1, (ii) the ICSID Secretariat, and (iii) the Tribunal.
 - d. Where a party is directed to provide a privilege log, such log shall identify the date of each document withheld on the basis of privilege, its caption or nature (such as letters, minutes, etc.), who prepared or signed it, to whom it was sent, and the nature of the privilege on the basis of which it is withheld.
6. As provided in Annex A to Procedural Order No. 1, the documents ordered to be produced should be produced by January 4, 2019. Where the Tribunal has directed that a privilege log or confirmation be provided, it should be delivered by the same date.

[*Signed*]

John M. Townsend

President of the Tribunal (on behalf of the Tribunal)

Date: December 19, 2018