

**IN THE MATTER OF AN ARBITRATION UNDER THE NORTH AMERICAN FREE
TRADE AGREEMENT AND THE UNITED STATES-MEXICO-CANADA
AGREEMENT**

- and -

**THE ARBITRATION RULES OF THE
UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (1976)**

- between -

Coeur Mining, Inc.

(the “Claimant”)

and

United Mexican States

(the “Respondent”)

ICSID Case No. UNCT/22/1

PROCEDURAL ORDER No. 6

Tribunal

Ms. Sabina Sacco, President

Mr. Pierre Bienvenu, Ad. E.

Prof. Hugo Perezcano Díaz

Secretary of the Tribunal

Ms. Veronica Lavista

25 July 2024

I. SCOPE OF THIS ORDER

1. This Procedural Order No. 6 (“**PO6**”) addresses the procedural calendar for this arbitration.

II. PROCEDURAL BACKGROUND

2. The procedural calendar for the jurisdictional phase of this arbitration was set out in Procedural Order No. 2 of 9 January 2024 (“**PO2**”).
3. On 26 March 2024, the procedural calendar set out in PO2 was suspended following the Claimant’s request for certain documents and its request to strike certain expert reports from the record (the “**Claimant’s Application**”). After considering the Parties’ positions on the Claimant’s Application, the Tribunal opened a limited document production phase, invited further submissions on the Claimant’s Application, and invited the Parties to propose a revised procedural calendar.¹
4. On 9 April 2024, the Parties jointly proposed a revised procedural calendar.
5. On 16 April 2024, the Tribunal confirmed the timetable for the document production phase.
6. On 30 May 2024, the Tribunal determined that the hearing on jurisdiction would be held in person at the ICSID facilities in Washington, D.C. on 9 and 10 October 2024. On 6 June 2024, the Respondent requested the Tribunal to reconsider this decision. The Claimant submitted its comments on 12 June 2024, requesting the Tribunal to reject the Respondent’s request for reconsideration.
7. On 19 June 2024, the Tribunal issued Procedural Order No. 5 (“**PO5**”) on the Claimant’s Final Document Requests (as defined in that Order). In PO5, the Tribunal granted some of the Claimant’s Final Document Requests, setting as date for production 19 July 2024.² The Tribunal further directed the Respondent to indicate, as soon as possible and at the latest by 19 July 2024, whether it objected to the production of specific documents based on claims of legal impediment or privilege, technical or commercial confidentiality, or special political or institutional sensitivity privilege and confidentiality.³ The Tribunal also invited the Parties to revert to the Tribunal as to the need for additional confidentiality protections that would apply to documents produced under PO5.⁴
8. On 2 July 2024, the Tribunal invited the Parties to comment on a revised procedural calendar, adapted to take into account the new date of production set out in PO5. The Tribunal’s revised calendar proposed two scenarios, one that implemented the Parties’

¹¹ See Procedural Order No. 4 of 24 May 2024 (“**PO4**”), Section II.

² PO5, ¶¶ 41-42.

³ PO5, ¶¶ 39 and 44.

⁴ PO5, ¶ 43.

originally agreed time limits (Scenario 1), and one that considered the possibility that the Respondent might raise specific objections on privilege and confidentiality (Scenario 2).

9. On 8 July 2024, the Tribunal rejected the Respondent's request to reconsider the hearing format, and confirmed that the hearing on jurisdiction would be held in person on 9-10 October 2024, in Washington, D.C.
10. On 9 July 2024, the Claimant confirmed that it agreed with the proposed procedural calendar and anticipated having to proceed under Scenario 2.
11. On 10 July 2024, the Respondent indicated that it had no comments on the proposed procedural calendar, but noted that it was still reviewing documents and was not yet in a position to indicate whether on 19 July 2024 it would raise specific objections to the production of certain documents.
12. Also on 10 July 2024, the Parties informed the Tribunal that, in accordance with paragraph 43 of PO5, they had agreed on an amendment to Procedural Order No. 3 ("PO3" or the "**Confidentiality Order**"), namely, that the definition of "Confidential Information" would include "information that a Party deems to have special political or institutional sensitivity". This amendment was agreed without prejudice to the Respondent's right to raise specific objections to the production of certain documents based on special political or institutional sensitivity, or the Claimant's right to challenge any confidentiality designations.
13. On 19 July 2024, the Respondent objected to the production of certain documents on the basis of legal impediment or privilege, commercial or technical confidentiality, or special political or institutional sensitivity, and submitted a privilege and confidentiality log describing those documents.

III. REVISED PROCEDURAL CALENDAR

14. As the Respondent has raised specific objections to production pursuant to paragraph 36 of Procedural Order No. 1, as revised by paragraphs 39 and 40 of PO5, the Tribunal confirms that the procedural calendar for the jurisdictional phase will proceed under Scenario 2 of the Tribunal's revised procedural calendar, as reflected in Annex A to this Procedural Order.

On behalf of the Tribunal,

[Signed]

Sabina Sacco
President of the Tribunal

Date: 25 July 2024

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Procedural Order No. 6 – Annex A

ANNEX A

Revised Procedural Calendar as of 25 July 2024

<i>Procedural Step</i>	<i>Party</i>	<i>Number of Days</i>	<i>Due date</i>
Procedure for the production of documents proposed and submitted to the Tribunal	Parties		Tuesday, 9 April 2024
Decision of the Tribunal on the procedure for the production of documents and procedural timetable	Tribunal	7	Tuesday, 16 April 2024
Formal Request for Production of Documents made pursuant to Article 3.3 of the IBA Rules, points 28-29 of Procedural Order No. 1, and using the format of the Schedule attached as Annex C of Procedural Order No. 1	Claimant	1	Wednesday, 17 April 2024
Objections to Claimant's Request for Production of Documents	Respondent	15	Thursday, 2 May 2024
Reply to Objections to Claimant's Request for Production of Documents and submission to the Tribunal, and voluntary production of non-travaux, non-objected-to documents (if applicable)	Claimant	5	Tuesday, 7 May 2024
Decision on the Claimant's request to strike the Tams Report and the expert reports appended to the United States' NDP Submission			Tuesday, 28 May 2024
Decision on Requests for Production of Documents	Tribunal		Wednesday, 19 June 2024
Parties to revert on whether separate Confidentiality Order is necessary	Parties	21	Wednesday, 10 July 2024
Production of documents ordered by the Tribunal, and Respondent's Privilege and Confidentiality Log	Respondent	30	Friday, 19 July 2024
Claimant's Response to the Privilege and Confidentiality Log	Claimant	7	Friday, 26 July 2024
Tribunal's Decision on Privilege and Confidentiality Log	Tribunal	14	Friday, 9 August 2024
Production of documents ordered by the Tribunal after assessing the Respondent's privilege claims	Respondent	7	Friday, 16 August 2024

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<i>Procedural Step</i>	<i>Party</i>	<i>Number of Days</i>	<i>Due date</i>
Claimant's Rejoinder on Jurisdiction	Claimant	7	Friday, 23 August 2024
Parties to Identify Witnesses and Experts to be examined at the hearing (if any)	Parties	7	Friday, 30 August 2024
Respondent's Supplement to Its Reply on Jurisdiction	Respondent	14	Friday, 6 September 2024
Pre-Hearing Conference (PHC)	All		10, 11 or 12 September 2024
Claimant's Response to Respondent's Supplement	Claimant	14	Friday, 20 September 2024
Hearing on Jurisdiction	All		9-10 October 2024 (ICSID Facilities, Washington, DC)