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Tribunal Ruling 4 April 2005

1. The Tribunal has considered the submissions made by the parties about the obligations of the United Mexican States and the United States of America concerning information identified as confidential in the parties' pleadings and evidence.
2. Under Article 1129 of the NAFTA the non-disputing Parties are entitled to receive the evidence tendered to the Tribunal and the written submissions and are obliged to treat the information as if they were a disputing Party. That obligation includes obligations in respect of confidentiality. We are informed that Mexico and the United States "will keep confidential any information that is identified as such".
3. Given the obligations arising under article 1129(2) and the undertakings given by the two non-disputing Parties, the Tribunal does not consider that it need take any action on this matter at this stage.

KJ Keith