

ICSID Case No. ARB/07/5

**ABACLAT AND OTHERS
(CLAIMANTS)**

and

**THE ARGENTINE REPUBLIC
(RESPONDENT)**

PROCEDURAL ORDER NO. 24

6 MARCH 2014

IN VIEW OF

1. Respondent's letter dated 26 February 2014, in which Respondent requested the Arbitral Tribunal "*to order Claimants to produce forthwith a number of exhibits and legal authorities referred to in the expert reports accompanying Claimants' Reply Memorial on Phase 2*" and listed them in a Table attached to the letter;
2. Claimants' answer dated 28 February 2014, in which Claimants demand that Respondent's requests be rejected.

CONSIDERING

3. that Respondent's requests relate either to specific sources mentioned in relevant expert reports or underlying spreadsheets or other 'executable files' further explaining the experts' calculations or reasoning;
4. that Respondent argues that without such information, the relevant expert reports "*cannot be verified*";
5. that Claimants are of the view that Respondent's requests are unjustified mainly for the reasons that Claimants have either already produced the requested information or have no duty to provide the requested information which relates to executable files or expert calculations.

CONSIDERING FURTHER

6. that the documents submitted by Claimants with their Reply Memorial is rather substantial and includes voluminous documents, in particular with regard to the expert reports;
7. that Claimants have agreed to provide Respondent with the excel spreadsheet underlying the fifth Navigant Report, and has already done so;
8. that, while alleging that without the requested information the relevant reports cannot be verified, Respondent has not explained to what extent the requested information is relevant and material to its defense;
9. that the Parties will have the opportunity during the upcoming hearing to cross-examine the various experts on their reports and the underlying information;
10. that the purpose of such cross-examination is for each Party to test the content, reliability and completeness of the expert reports;
11. that in case relevant information appears to be missing from an expert report, it will in principle be up to the Party having called this expert to bear the consequences thereof;
12. that the Arbitral Tribunal does therefore not consider the requested information to be of such a nature as to justify its production before the hearing.

CONSEQUENTLY THE ARBITRAL TRIBUNAL DECIDES AS FOLLOWS:

- **Respondent's request dated 26 February 2014 is hereby rejected.**

[signed]

Pierre Tercier,

President

On behalf of the Arbitral Tribunal