

PCA Case No. 2020-21

In the matter of an arbitration under the Arbitration Rules of the United Nations
Commission on International Trade Law 1976

and

The Agreement between the Government of the Republic of India and the Republic of
Mozambique for the Reciprocal Promotion and Protection of Investment dated
19 February 2009

-between-

PATEL ENGINEERING LIMITED
(INDIA)

Claimant

-and-

THE REPUBLIC OF MOZAMBIQUE

Respondent

PROCEDURAL ORDER NO. 2

**Procedure for the Redaction of
Confidential and Protected
Information**

THE ARBITRAL TRIBUNAL

Prof. Guido Santiago Tawil (Arbitrator)
Mr. Hugo Perezcano Díaz (Arbitrator)
Prof. Juan Fernández-Armesto (Presiding Arbitrator)

REGISTRY

Permanent Court of Arbitration

ADMINISTRATIVE SECRETARY

Sofia de Sampaio Jalles

14 December 2020

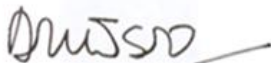
WHEREAS

1. In accordance with para. 83 of the Terms of Appointment, the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration [the “**UNCITRAL Rules on Transparency**” or the “**Rules**”] apply to these proceedings.
2. On 14 October 2020, the Tribunal issued Procedural Order No. 1, which provides:
 - “145. Pursuant to the agreement of the Parties, the arbitration shall be conducted in accordance with the UNCITRAL Rules on Transparency in Treaty-Based Investor-State Arbitration, as adopted in 2013 [...], in accordance with Art. 1(2)(a) thereof.
 146. The PCA shall assume the role of the “repository” foreseen under the UNCITRAL Rules on Transparency with respect to this arbitration.
 147. The PCA shall make information and documents regarding the arbitration available to the public in accordance with the UNCITRAL Rules on Transparency, except as otherwise decided by the Tribunal pursuant to the UNCITRAL Rules on Transparency.
 148. Hearings shall be public except as otherwise decided by the Tribunal in accordance with the UNCITRAL Rules on Transparency.”
3. By letter dated 13 November 2020, the Arbitral Tribunal proposed a procedure to follow for the redaction of confidential and protected information prior to the publication of any documents, and requested comments from Parties on the proposed procedure by 27 November 2020. No comments were received from the Parties.
4. Therefore, the Tribunal issues the following Procedural Order:

PROCEDURAL ORDER NO. 2

5. The following procedure shall be followed for the redaction of confidential and protected information under Art. 7 of the UNCITRAL Rules on Transparency prior to the publication of any documents falling within the scope of Arts. 2 and 3 of the Rules:
- a) Any Party may request to designate information, at the time it is submitted to the Tribunal, as confidential or protected information in accordance with the UNCITRAL Rules on Transparency and by submitting, in addition to the original version of the document, a redacted version of the document excluding the confidential or protected information. The request is subject to Party comments and a decision by the Tribunal.
 - b) Any Party may designate information contained in the Tribunal's awards, decisions, and procedural orders as confidential or protected information in accordance with the UNCITRAL Rules on Transparency by submitting a redacted version of the award, decision, or procedural order excluding the confidential or protected information within 15 calendar days of the issuance of the award, decision, or procedural order. If more than one Party submits a redacted version of the award, decision, or procedural order, the Parties shall attempt to agree and submit a joint redacted version within 21 calendar days of the issuance of the award, decision, or procedural order.
 - c) The Tribunal shall decide any objection regarding the designation of information as confidential or protected information.
 - d) If no request to designate information as confidential or protected is made within the timeframes established in paras. 5(a) and 5(b) above, the PCA will proceed to publish the documents in question in accordance with Arts. 2 and 3 of the UNCITRAL Rules on Transparency.

Place of Arbitration: The Hague, Netherlands
Date: 14 December 2020



Juan Fernández-Armesto
President of the Arbitral
Tribunal