

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**Bacanora Lithium Limited, Sonora Lithium Ltd., and Ganfeng International
Trading (Shanghai) Co. Ltd.**

v.

United Mexican States

(ICSID Case No. ARB/24/21)

PROCEDURAL ORDER NO. 6

Decision on Document Production

Members of the Tribunal

Mr. Eduardo Zuleta Jaramillo, President of the Tribunal
Mr. Joseph Neuhaus, Arbitrator
Prof. Pierre Mayer, Arbitrator

Secretary of the Tribunal

Ms. Gabriela González Giráldez

Assistant to the Tribunal

Ms. Sofía Klot

3 July 2026

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I. THE PARTIES

1. The Claimants in this arbitration are Bacanora Lithium Limited, Sonora Lithium Ltd., two companies incorporated in the United Kingdom, and Ganfeng International Trading (Shanghai) Co. Ltd., a company constituted in the People's Republic of China (jointly, the "**Claimants**").
2. The Claimants bring claims on their own behalf and on behalf of Minera Sonora Borax, S.A. de C.V. and Bacanora Chemco S.A. de C.V. under two agreements: the Agreement Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United Mexican States for the Promotion and Reciprocal Protection of Investments and the Agreement Between the Government of the United Mexican States and the Government of the People's Republic of China on the Promotion and Reciprocal Protection of Investments.
3. The Respondent in this proceeding is the United Mexican States ("**Mexico**" or the "**Respondent**", indistinctly).
4. The Claimants and the Respondent are jointly referred to as the "**Parties**".

II. RELEVANT PROCEDURAL BACKGROUND

5. On 11 December 2025, the Tribunal issued Procedural Order No. 5 concerning the Respondent's request for suspension of the proceeding dated 27 November 2025, declining to suspend the arbitration.
6. On 12 December 2025, the Respondent notified the Tribunal of its inability to file its Counter-Memorial as scheduled, and requested a four-month extension.
7. On 14 December 2025, the Tribunal invited the Parties to negotiate in good faith an extension of the deadline for the filing of the Respondent's Counter-Memorial.
8. On 19 December 2025, the Parties informed the Tribunal that they had reached an agreement and submitted a joint, amended Procedural Calendar, pursuant to which the Respondent would file its Counter-Memorial by 6 March 2026, and the Parties would exchange their respective Document Production Requests on 13 April 2026.
9. On 5 January 2026, the Tribunal acknowledged receipt of the Parties' joint, amended Procedural Calendar, and asked the Parties for their availability to attend the hearing between 24 May and 4 June 2027.
10. On 6 January 2026, the Respondent confirmed its availability to attend the hearing between 24 May and 4 June 2027 while, on 9 January 2026, the Claimants asked for a brief extension to revert to the Tribunal.
11. On 10 January 2026, the Tribunal granted the Claimants until 12 January 2026 to revert to the Tribunal on their availability for the hearing.
12. On 12 January 2026, the Claimants confirmed their availability to hold the hearing between 24 May and 4 June 2027, as proposed by the Tribunal.

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13. On 15 January 2026, the Tribunal communicated the updates to the Procedural Calendar, with the hearing to take place between 24 May and 4 June 2027.
14. On 7 March 2026, the Respondent filed its Counter-Memorial on the Merits and Memorial on Jurisdiction.
15. On 19 March 2026, the Respondent filed an amended version of its Counter-Memorial on the Merits and Memorial on Jurisdiction.
16. On 1 April 2026, Mr. Donald Francis Donovan notified his resignation as arbitrator in this case pursuant to ICSID Arbitration Rule 25(1).
17. On 2 April 2026, Mr. Zuleta and Prof. Mayer consented to the resignation of arbitrator Donald Francis Donovan pursuant to ICSID Arbitration Rule 25(2) and the Parties were duly notified of the vacancy on the Tribunal. The proceeding was suspended pursuant to ICSID Arbitration Rule 26(2).
18. On 4 May 2026, the Claimants informed ICSID of their appointment of Mr. Joseph E. Neuhaus, a U.S. national, as arbitrator in this case following Mr. Donald Francis Donovan's resignation, in accordance with ICSID Arbitration Rule 26(3).
19. On 8 May 2026, ICSID notified the Parties that Mr. Joseph E. Neuhaus had accepted his appointment as arbitrator and filed his arbitrator declaration, accompanying statement, and *curriculum vitae*.
20. On 8 May 2026, the Tribunal was reconstituted with Mr. Eduardo Zuleta Jaramillo (Colombian) as President, appointed by agreement of the Parties; Mr. Joseph E. Neuhaus (U.S.), appointed by the Claimants; and Prof. Pierre Mayer (French), appointed by the Respondent. The proceedings were resumed pursuant to ICSID Arbitration Rule 26(4).
21. On 12 May 2026, the Claimants wrote to the Tribunal proposing new dates for the document production phase of the arbitration in light of its suspension. The Claimants proposed that the Parties proceed to exchange document production requests within 11 days of the resumption of the proceedings and that they preserve the same intervals between each phase of document production previously established by the Tribunal.
22. On 13 May 2026, the Tribunal invited the Respondent to provide its comments on the Claimants' proposal by 15 May 2026.
23. On 15 May 2026, the Respondent submitted its counter-proposal for the amendment of the dates of the document production phase in the Procedural Calendar.
24. On 19 May 2026, the Tribunal issued its decision on the amendments to the Procedural Calendar, setting new dates for the document production phase, and asking the Parties to confer and jointly propose a new date for the pre-hearing organizational meeting to be held after 22 January 2027.
25. On 20 May 2026, per the Procedural Calendar, the Parties exchanged their respective Requests for the Production of Documents.

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26. On 27 May 2026, the Parties communicated to the Tribunal agreed-upon possible dates for the pre-hearing organizational meeting.
27. On 2 June 2026, the Tribunal communicated a new update to the Procedural Calendar, fixing a new date for the pre-hearing organizational meeting.
28. On 2 June 2026, per the Procedural Calendar, the Parties exchanged their simultaneous objections to the Requests for the Production of Documents.
29. On 13 June 2026, in accordance with the updated Procedural Calendar, the Parties filed their respective Stern Schedules containing the Parties' Requests for the Production of Documents, objections and responses to the objections, together with their applications to the Tribunal.
30. On 22 June 2026, the Parties communicated to the Tribunal their agreement to postpone the date for the voluntary production of documents which are not subject to objections in the Procedural Calendar by three days, until 26 June 2026.
31. On 23 June 2026, the Tribunal approved the requested three-day extension (*i.e.*, until 26 June 2026) for the Parties to voluntarily produce documents which are not subject to objections.

III. SCOPE OF THIS PROCEDURAL ORDER AND APPLICABLE STANDARDS

32. In this Procedural Order No. 6, the Tribunal rules on the Parties' respective Requests for Production of Documents. The decisions of the Tribunal are found in the last row ("E") of each Document Request included in the Stern Schedules submitted by the Parties, which are attached hereto as:
 - a. **Annex A:** Tribunal's decisions on the Claimants' Requests for the Production of Documents; and
 - b. **Annex B:** Tribunal's decisions on the Respondent's Requests for the Production of Documents.
33. The Tribunal's decisions on the Parties' Requests for the Production of Documents shall not be construed as an opinion on their arguments on jurisdiction, admissibility or the merits of the case, or as an indication that the Tribunal considers that any of the Parties has met or failed to meet its burden of proof with respect to any matter outside the document production exercise.
34. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of 1 July 2022 (the "**Rules**"). Pursuant to Rule 36(3), the Tribunal may call upon a party to produce documents or other evidence if it deems it necessary at any stage of the proceeding. Further, according to Rule 37:

Rule 37

In deciding a dispute arising out of a party's objection to the other party's request for production of documents, the Tribunal shall consider all relevant circumstances, including

- (a) the scope and timeliness of the request;
- (b) the relevance and materiality of the documents requested;
- (c) the burden of production; and
- (d) the basis of the objection.

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35. Section 16 of Procedural Order No. 1 contains the detailed rules governing the document production exercise, which the Tribunal has applied when deciding on the Parties' Document Production Requests. In particular, the Tribunal recalls that pursuant to Section 16.4 of Procedural Order No. 1, Requests for Document Production, submitted in the form of the Stern Schedule attached as Annex C to Procedural Order No. 1, must contain:
- A description of each requested document sufficient to identify it, or a description in sufficient detail (including, e.g., subject matter, date or range of dates and the identity of the recipients and senders to the greatest extent possible) of a narrow and specific category of documents that are reasonably believed to exist (in the case of documents maintained in electronic form, the requesting Party may, or the Tribunal may order that it shall be required to, identify specific files, search terms, individuals or other means of searching for such documents in an efficient and economical manner);
 - A statement as to how the documents requested are relevant to the case and material to its outcome;
 - A statement that the documents requested are not in the possession, custody or control of the requesting Party or a statement of the reasons why it would be unreasonably burdensome for the requesting Party to produce such documents; and
 - A statement of the reasons why the requesting Party assumes the documents requested are in the possession, custody, or control of another Party.
36. Further, pursuant to Section 16.6.2 of Procedural Order No. 1, the Parties' objections to the production of a document or a category of documents shall be justified on one or more of the grounds identified in Article 9(2) of the International Bar Association's Rules on the Taking of Evidence in International Arbitration 2020 (the "**IBA Rules**").
37. In line with Section 16.11 of Procedural Order No. 1, when deciding on the Parties' Requests for Document Production, the Tribunal has been guided by the IBA Rules, particularly their Articles 3(3) and 9(2).
38. The Tribunal has duly considered the Parties' arguments, objections and responses to objections expressed in their respective Stern Schedules in light of the preceding rules and standards and issues its decision on each Document Request in the Parties' Schedules appended as **Annexes A** and **B** to this Procedural Order, which form an integral part thereof.

IV. DECISION

39. The Tribunal issues its decisions on the Parties' Document Requests in row "E" of each Request as follows:
- a. **Annex A:** contains the Tribunal's decisions on the Claimants' Requests for the Production of Documents; and
 - b. **Annex B:** contains the Tribunal's decisions on the Respondent's Requests for the Production of Documents.

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40. In accordance with the amended Procedural Calendar, the Parties shall produce any documents as ordered by the Tribunal in the manner established in Section 16 of Procedural Order No. 1 **by Friday, 24 July 2026.**

For and on behalf of the Tribunal,

[signed]

Mr. Eduardo Zuleta
President of the Tribunal
Date: 3 July 2026