

Archived Content

Information identified as archived on the Web is for reference, research or recordkeeping purposes. It has not been altered or updated after the date of archiving. Web pages that are archived on the Web are not subject to the Government of Canada Web Standards. As per the [Communications Policy of the Government of Canada](#), you can request alternate formats by [contacting us](#).

Contenu archivé

L'information archivée sur le Web est disponible à des fins de consultation, de recherche ou de tenue de dossiers seulement. Elle n'a été ni modifiée ni mise à jour depuis sa date d'archivage. Les pages archivées sur le Web ne sont pas assujetties aux normes Web du gouvernement du Canada. Conformément à la [Politique de communication du gouvernement du Canada](#), vous pouvez obtenir cette information dans un format de rechange en [communiquant avec nous](#).

AN ARBITRATION UNDER CHAPTER ELEVEN OF THE
NORTH AMERICAN FREE TRADE AGREEMENT

BETWEEN:

CHEMTURA CORPORATION
(formerly Crompton Corporation)

Claimant

and

GOVERNMENT OF CANADA

Respondent.

PROCEDURAL ORDER NO. 3

(August 8, 2008)

ARBITRAL TRIBUNAL:

Professor Gabrielle Kaufmann-Kohler (Chairperson)
The Honourable Charles N. Brower
Professor James Crawford

CONSIDERING:

- (A) That the Confidentiality Order of 21 January 2008 (hereafter "PO No. 2") sets forth the rules for the protection of the confidential information produced in this arbitration ;
- (B) That on 23 June 2008, the Claimant provided a redacted copy of materials it designates as confidential in accordance with Article 3 of PO No. 2;
- (C) That on 2 July 2008, the Respondent communicated objections to certain of these designations in accordance with Article 7 of PO No. 2;
- (D) That on 17 July 2008, the Claimant filed a Reply to the Respondent's objections to said designations;

The Tribunal hereby decides as follows:

1. Designations withdrawn by the Claimant

The Tribunal notes that the Claimant has withdrawn, in its Reply of 17 July 2008, the designations relating to:

- Paragraph 62 and footnote 52 of Claimant's Memorial, dated 2 June 2008;
- Paragraph 27 and footnote 6 of the Witness Statement of Mr Alfred Ingulli;
- Exhibits C10 and C11 to the Witness Statement of Mr. Paul Thomson;

2. Amended Redacted documents

The Tribunal further notes that the Claimant has provided amended redacted versions of page 20 of Claimant's Memorial, dated 2 June 2008, and page 8 of the Witness Statement of Mr. Alfred Ingulli.

Moreover, the Claimant has also provided corrected redacted copies of the last pages of the Witness Statements of Messrs. Alfred Ingulli, Paul Thomson, John Kibbie, Edwin Johnson, and James Aidala.

3. Confidential Business Information

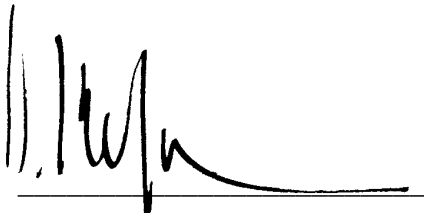
Having considered the arguments of both Parties, the Tribunal is of the view that the confidentiality designations relating to the following documents cannot be maintained and are hereby lifted:

- Exhibits B32 and B52 to the Witness Statement of Mr. Alfred Ingulli;
- Paragraphs 54, 55 and 57 and footnote 13 of the Witness Statement of Mr. Paul Thomson;
- Exhibits C3 and C4 to the Witness Statement of Mr. Paul Thomson

The Tribunal further considers that, to the extent hereafter described, the following documents contain business information that the Claimant can properly designate as confidential pursuant to paragraph 1(c)(ii) of PO No. 2:

- Exhibits B38 and B51 to the Witness Statement of Mr. Alfred Ingulli in their entirety; the Respondent's objections with respect to these documents are therefore dismissed;
- Exhibit C5 to the Witness Statement of Mr. Paul Thomson only with respect to the last paragraph and the third last paragraph of the document; the Respondent's objections with respect to this document are therefore granted except for the paragraphs identified.

For the Arbitral Tribunal,

A handwritten signature in black ink, appearing to read 'G. Kaufmann-Kohler', written over a horizontal line.

Gabrielle Kaufmann-Kohler
Tribunal Chair