IN THE MATTER OF AN ARBITRATION

- before -

AN ARBITRAL TRIBUNAL CONSTITUTED UNDER ANNEX VII OF THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

- between -

THE ITALIAN REPUBLIC

(APPLICANT)

- and -

THE REPUBLIC OF INDIA

(RESPONDENT)

- concerning -

THE “ENRICA LEXIE” INCIDENT

_________________________________________________________________

PROCEDURAL ORDER NO. 4
(Amendments to the Procedural Calendar)

_________________________________________________________________

ARBITRAL TRIBUNAL:

H.E. Judge Vladimir Golitsyn (President)
H.E. Judge Jin-Hyun Paik
H.E. Judge Patrick Robinson
Professor Francesco Francioni
H.E. Judge Patibandla Chandrasekhara Rao

REGISTRY:

The Permanent Court of Arbitration
WHEREAS on 18 January 2016, the Arbitral Tribunal determined, after consultation with the Parties, its Rules of Procedure for the present arbitration (the “Rules of Procedure”); and whereas Article 9 of the Rules of Procedure establishes the procedural calendar for the submission of written pleadings;

WHEREAS on 9 September 2016, the Arbitral Tribunal issued Procedural Order No. 2 amending such procedural calendar;

WHEREAS pursuant to the amended procedural calendar, on 30 September 2016, Italy filed its Memorial and, on 14 April 2017, India submitted its Counter-Memorial, in which it inter alia presented a counter-claim;

WHEREAS on 1 June 2017, the Arbitral Tribunal issued Procedural Order No. 3 amending the procedural calendar for further written pleadings in respect of India’s counter-claim;

WHEREAS pursuant to the amended procedural calendar, on 11 August 2017, Italy submitted its Reply on the Merits, Counter-Memorial on Jurisdiction, and Counter-Memorial on India’s Counter-Claims and, on 15 December 2017, India submitted its Rejoinder on the Merits, Reply on Jurisdiction, and Reply to Italy’s Counter on India’s Counter-Claims;

WHEREAS by letter dated 6 February 2018, Italy requested the Arbitral Tribunal to extend the due date for the filing of its Rejoinder on Jurisdiction and India’s Counter-Claim from 16 February 2018 to 9 March 2018; and whereas, according to Italy, the request was made in light of the disclosure on 5 February 2018 by India to Italy “of 66 witness statements and 133 additional documents that were the subject of a disclosure request by Italy”;

WHEREAS by letter dated 8 February 2018, India confirmed that it had no objection to Italy’s request;

TAKING THE PARTIES’ VIEWS INTO ACCOUNT, THE ARBITRAL TRIBUNAL ISSUES THE FOLLOWING PROCEDURAL ORDER:

1. The procedural calendar for the submission of written pleadings set out in Article 9 of the Rules of Procedure, as amended by Procedural Orders No. 2 and 3, shall be maintained with the following further amendment:

   On or before 9 March 2018, Italy may submit its Rejoinder to India’s Reply on jurisdiction and/or admissibility and to India’s Reply on India’s counter-claim.

2. The remaining provisions of the Rules of Procedure and Procedural Orders No. 2 and 3 shall remain in effect.
For the Arbitral Tribunal:

H.E. Judge Vladimir Golitsyn  
President  

12 February 2018