

PCA Case No. 2015-28

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*

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

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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:

A handwritten signature in black ink, appearing to read "V. Golitsyn". The signature is written in a cursive style with a large, sweeping initial "V".

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H.E. Judge Vladimir Golitsyn  
President

12 February 2018