

**PRESS RELEASE****ARBITRATION CONCERNING THE “ENRICA LEXIE” INCIDENT
(THE ITALIAN REPUBLIC V. THE REPUBLIC OF INDIA)**

THE HAGUE, 27 NOVEMBER 2018

Appointment by India of Dr. Pemmaraju Sreenivasa Rao as Arbitrator

On 26 November 2018, the Republic of India appointed Dr. Pemmaraju Sreenivasa Rao as arbitrator in the *Arbitration Concerning the “Enrica Lexie” Incident (Italy v. India)*.

Dr. Pemmaraju Sreenivasa Rao succeeds Judge Patibandla Chandrasekhara Rao, who had passed away on 11 October 2018, on the Arbitral Tribunal. In the event of the passing of a member of the Arbitral Tribunal, Article 6 of the Rules of Procedure provides:

1. In the event of incapacity, withdrawal or death of an arbitrator during the course of the proceedings, a substitute arbitrator shall be appointed:

- (a) Where the arbitrator being replaced was originally appointed by one of the Parties in accordance with Articles 3(b) or 3(c) of Annex VII to the Convention, by the Party making the original appointment if possible within thirty (30) days, or otherwise not later than sixty (60) days, from the date of the incapacity, withdrawal or death of an arbitrator.

[...]

2. In such an event, the proceedings shall resume at the stage where the arbitrator who was replaced ceased to perform his or her functions, unless the Arbitral Tribunal decides otherwise.

To date, the Parties have exchanged written pleadings addressing the Tribunal’s jurisdiction and the merits of the case. On 30 September 2016, Italy filed its Memorial. On 14 April 2017, India submitted its Counter-Memorial, in which it, in addition to responding to Italy’s Memorial, raised objections to the jurisdiction of the Arbitral Tribunal and the admissibility of Italy’s claims, and presented counter-claims. On 11 August 2017, Italy filed its “Reply on the Merits – Counter-Memorial on Jurisdiction – Counter-Memorial on India’s Counter-Claims”. On 15 December 2017, India submitted its “Rejoinder on the Merits – Reply on Jurisdiction – Reply to Italy’s Counter on India’s Counter-Claims”. On 9 March 2018, Italy filed its “Rejoinder on Jurisdiction and on India’s Counter-Claims”.

Due to illness of Judge Rao, the hearing, originally scheduled to take place in the autumn of 2018, was postponed. New dates for the hearing will be fixed in due course in consultation with the Parties. Further information in this regard will be posted on the PCA Case Repository as it becomes available.

Further information about the proceedings is available on the PCA Case Repository (<https://pca-cpa.org/en/cases/117/>).

Contact: Permanent Court of Arbitration
E-mail: bureau@pca-cpa.org