



## PRESS RELEASE

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

THE HAGUE, 19 DECEMBER 2018

#### **Hearing Scheduled in Arbitration concerning the “Enrica Lexie” Incident**

The Arbitral Tribunal has determined that the hearing in the arbitration concerning the “Enrica Lexie” Incident (*Italy v. India*) will be held from 8 July to 20 July 2019 at the seat of the Permanent Court of Arbitration (“PCA”) at the Peace Palace, The Hague, the Netherlands.

Pursuant to Article 23, paragraph 3, of the Rules of Procedure, the hearing will in principle be open to the public, although certain portions may be closed in order to protect confidential information. Further details, including the modalities for attending the hearing, will be communicated by the PCA in June 2019.

The hearing will not be broadcast or streamed on the Internet, but the transcripts will be published on the PCA’s website (<https://pca-cpa.org/en/cases/117/>) in due course after the hearing.

#### **History of the Proceedings**

The arbitral proceedings were instituted under the United Nations Convention on the Law of the Sea (“UNCLOS”) on 26 June 2015, when Italy served on India a “Notification under Article 287 and Annex VII, Article 1 of UNCLOS and Statement of Claim and Grounds on Which it is Based”.

The Arbitral Tribunal is composed of Professor Francesco Francioni, Judge Jin-Hyun Paik, Dr. Pemmaraju Sreenivasa Rao and Judge Patrick Robinson as arbitrators, and Judge Vladimir Golitsyn as arbitrator and President of the Arbitral Tribunal.

On 11 December 2015, Italy filed a Request for the Prescription of Provisional Measures pursuant to Article 290, paragraph 1 of UNCLOS. On 26 February 2016, India submitted its Written Observations on that Request. Following a public hearing held in the Peace Palace, on 29 April 2016, the Arbitral Tribunal adopted an Order in respect of Italy’s Request.

In accordance with the procedural calendar established by the Arbitral Tribunal, the Parties subsequently exchanged written pleadings on 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”. Altogether, the written pleadings total over 700 pages, not including nearly 300 annexes.

On 11 October 2018, the member of the Arbitral Tribunal originally appointed by India, Judge Patibandla Chandrasekhara Rao, passed away. In accordance with Article 6 of the Rules of Procedure,

on 26 November 2018, India appointed Dr. Pemmaraju Sreenivasa Rao to succeed Judge Rao on the Arbitral Tribunal.

The forthcoming hearing will address the jurisdiction of the Arbitral Tribunal as well as the merits of Italy's claims and India's counter-claims.

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

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### **Background on the Permanent Court of Arbitration**

The Permanent Court of Arbitration is an intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 121 Contracting Parties. Headquartered at the Peace Palace in The Hague, the Netherlands, the PCA facilitates arbitration, conciliation, fact-finding, and other dispute resolution proceedings among various combinations of States, State entities, intergovernmental organizations, and private parties. The PCA's International Bureau is currently administering 3 interstate disputes, 97 investor-State arbitrations, and 50 cases arising under contracts involving a State or other public entity. More information about the PCA can be found at [www.pca-cpa.org](http://www.pca-cpa.org).

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