

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

THE ITALIAN REPUBLIC

- v. -

THE REPUBLIC OF INDIA

- concerning -

THE "ENRICA LEXIE" INCIDENT

ORDER
(Closing of the Proceedings)

ARBITRAL TRIBUNAL:

H.E. Judge Vladimir Golitsyn (President)
H.E. Judge Jin-Hyun Paik
H.E. Judge Patrick Robinson
Professor Francesco Francioni
Dr. Pemmaraju Sreenivasa Rao

REGISTRY:

Permanent Court of Arbitration

WHEREAS on 21 May 2020, the Arbitral Tribunal adopted an Award in the present arbitration, which was notified to the Parties on 9 June 2020;

WHEREAS the Arbitral Tribunal's Award provided in its operative part, at paragraph 1094(B)(6)(d), that "the Arbitral Tribunal shall retain jurisdiction should either Party or both Parties wish to apply for a ruling from the Arbitral Tribunal in respect of the quantification of compensation due to India, in which event the Arbitral Tribunal would fix a timetable for further proceedings, and that, should no such application be received within one year after the date of the present Award, the proceedings shall be closed";

WHEREAS on 21 May 2021, Italy informed the Arbitral Tribunal that the implementation of the Award was still ongoing and requested that the Arbitral Tribunal "retain its jurisdiction pursuant to Paragraph 1094.6(d) of the Arbitral Award until 21 October 2021", either by extending the time limit in paragraph 1094(B)(6)(d) or by treating its correspondence as an application pursuant to paragraph 1094(B)(6)(d);

WHEREAS on 28 May 2021, India indicated that it agreed to the extension of the jurisdiction of the Arbitral Tribunal until 21 October 2021;

WHEREAS on 1 June 2021, the Arbitral Tribunal informed the Parties that it was treating Italy's correspondence of 21 May 2021 as an application pursuant to paragraph 1094(B)(6)(d) of the Award with the effect that the Arbitral Tribunal retains jurisdiction pursuant to that provision, but that it considered that no procedural direction was called for prior to 21 October 2021;

WHEREAS on 24 August 2021, Italy confirmed that, from its perspective, all necessary steps towards the implementation of the Award had been taken, and that, therefore, "Italy wishes to withdraw its application pursuant to paragraph 1094(B)(6)(d) of the Award. Italy would have no objection to the closing of the arbitral proceedings, subject to India's views and the decision of the Tribunal";

WHEREAS on 8 October 2021, India indicated that, in view of assurances received from Italy with respect to the prosecution of the Marines in Italy, it concurred in Italy's proposal to close the arbitral proceedings.

HAVING REGARD TO THE PARTIES' VIEWS, THE ARBITRAL TRIBUNAL ISSUES THE FOLLOWING ORDER:

The arbitral proceedings are hereby closed.

For the Arbitral Tribunal:

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

H.E. Judge Vladimir Golitsyn
President

12 October 2021