

PCA Case No. 2017-06

IN THE MATTER OF AN ARBITRATION

- before -

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

- between -

UKRAINE
(APPLICANT)

- and -

THE RUSSIAN FEDERATION
(RESPONDENT)

- in respect of -

Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait

PROCEDURAL ORDER N° 12
Regarding the Opening of the Hearing

ARBITRAL TRIBUNAL:

Judge Jin-Hyun Paik (President)
Judge Boualem Bouguetaia
Judge Alonso Gómez-Robledo
Professor Alexander Vylegzhanin
Professor Vaughan Lowe

REGISTRY:

The Permanent Court of Arbitration

WHEREAS on 21 February 2020, the Arbitral Tribunal issued Procedural Order N° 6, fixing the procedural timetable for further proceedings, following the issuance, on that same date, of an Award Concerning the Preliminary Objections of the Russian Federation;

WHEREAS on 17 November 2020, the Arbitral Tribunal, upon the application of Ukraine and having ascertained the views of the Russian Federation, issued Procedural Order N° 7 modifying the procedural timetable for further proceedings;

WHEREAS on 13 December 2021, the Arbitral Tribunal, upon the application of the Russian Federation and having ascertained the views of Ukraine, issued Procedural Order N° 8 further modifying the procedural timetable for further proceedings;

WHEREAS on 20 July 2022, the Arbitral Tribunal, upon the application of the Russian Federation and having ascertained the views of Ukraine, issued Procedural Order N° 9 further modifying the procedural timetable for further proceedings;

WHEREAS on 26 June 2023, the Arbitral Tribunal, upon the application of the Russian Federation, and having ascertained the views of Ukraine, issued Procedural Order N° 10 further modifying the procedural timetable for further proceedings;

WHEREAS on 29 September 2023, the Arbitral Tribunal, upon the application of the Russian Federation, and having ascertained the views of Ukraine, issued Procedural Order N° 11 further modifying the procedural timetable for further proceedings;

WHEREAS in accordance with the revised procedural timetable, on 8 December 2023, the Russian Federation submitted to the Arbitral Tribunal its Rejoinder;

WHEREAS on 26 December 2023, Ukraine notified the Arbitral Tribunal that it would not elect to submit a rejoinder on jurisdiction and/or admissibility and requested that the Arbitral Tribunal schedule the hearing;

WHEREAS on 27 December 2023, the Arbitral Tribunal invited the Parties' views on certain preliminary matters in connection with the hearing, including the hearing dates;

WHEREAS on 19 January 2024, each Party provided its views on certain preliminary matters in connection with the hearing, including the hearing dates;

WHEREAS on 18 February 2024, having ascertained the views of the Parties, the Arbitral Tribunal tentatively set the dates of the hearing for 23 September to 4 October 2024;

WHEREAS on 19 June 2024, consultations were held between the Parties and the Registrar regarding the logistical and administrative arrangements for the hearing;

WHEREAS on 1 July 2024, each Party provided its views on the schedule for the hearing to the Arbitral Tribunal;

WHEREAS on 15 July 2024, the Arbitral Tribunal, having carefully considered the Parties' views on the schedule for the hearing and having deliberated, prepared a tentative hearing schedule and invited the Parties to provide any comments thereon;

WHEREAS on 22 July 2024, the Russian Federation provided its comments on the tentative hearing schedule;

WHEREAS on 23 July 2024, Ukraine responded to the Russian Federation's comments on the tentative hearing schedule;

WHEREAS Article 16, paragraph 2, of the Rules of Procedure provides:

The dates for the hearings shall be set by the Arbitral Tribunal in good time, after ascertaining the views of the Parties. The Arbitral Tribunal shall give the Parties adequate advance notice of the date, time and place of any oral hearing.

WHEREAS Article 27, paragraph 3, of the Rules of Procedure provides:

The presentation of the Parties' opening statements at any hearing shall be open to the public. The Arbitral Tribunal, after ascertaining the views of the Parties, shall consider at the appropriate time the extent to which any other parts of the hearing shall be open to the public.

THE ARBITRAL TRIBUNAL HEREBY DECIDES:

1. The hearing shall be held at the Peace Palace, The Hague, from 23 September to 5 October 2024;
2. The opening and closing statements of each Party's Agent will be made accessible to the public through an online stream available on the website of the PCA;
3. Members of the public, including accredited press representatives and members of the diplomatic corps, will be able to follow the Agents' opening and closing statements at the Peace Palace, The Hague. The PCA shall in due course publish appropriate direction as to the modalities for attendance and accreditation.

Dated: 30 July 2024

For the Arbitral Tribunal:



Judge Jin-Hyun Paik
President