



PERMANENT COURT OF ARBITRATION

Arbitral Tribunal Constituted Pursuant to Article 287, and Article 1 of Annex VII, of the United Nations Convention on the Law of the Sea for the Dispute Concerning the MOX Plant, International Movements of Radioactive Materials, and the Protection of the Marine Environment of the Irish Sea

The MOX Plant Case

IRELAND v. UNITED KINGDOM

ORDER N° 4

FURTHER SUSPENSION OF PROCEEDINGS ON JURISDICTION AND MERITS

14 November 2003

The Arbitral Tribunal

Having regard to articles 1 and 8 of the Rules of Procedure adopted by the Tribunal;

Having regard to *Order No. 3* of 24 June 2003 by which the Tribunal decided to suspend further proceedings in the case until not later than 1 December 2003;

Having regard to the Reports dated 12 September 2003 submitted by Ireland and the United Kingdom, pursuant to *Order No. 3* of 24 June 2003;

Having regard to the letter dated 21 October 2003 from the Agent of Ireland with which Ireland informed the Tribunal that the College of Commissioners of the European Community decided on 15 October 2003 to authorise the institution of proceedings against Ireland in respect of Community law issues, and that Ireland expected that proceedings would accordingly issue within the next week or very shortly thereafter;

Having regard to the statement by the Agent of Ireland that “it is apparent that the resolution of the Community law issues will have to await a decision of the European Court of Justice”;

Having regard to Ireland’s application, in the Agent’s letter dated 21 October 2003, to the Tribunal to suspend the hearings in the proceedings until the European Court of Justice has given judgment in the matter;

Having ascertained the views of the parties;

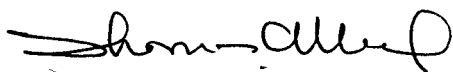
1. Decides that
 - a. further proceedings in the case shall remain suspended until the European Court of Justice has given judgment or the Tribunal otherwise determines;
 - b. the suspension of the proceedings shall be without prejudice to the continuation of the matters ordered in paragraphs 2, 5, 6 and 7 of the *Dispositif* of the Tribunal’s *Order No. 3* of 24 June 2003, and the statements made by the United Kingdom as recorded in paragraphs 47 and 48 of that Order;
 - c. further reports and information to be submitted by the Parties pursuant to paragraph

7(b) of the *Dispositif* of the Tribunal's *Order No. 3* of 24 June 2003, shall be submitted not later than 28 November 2003;

- d. subject to any further order by the Tribunal, the Parties shall each submit, not later than 31 May 2004 and every six months thereafter, a report and information on compliance with the provisional measure affirmed and recommendations made by the Tribunal in *Order No. 3* of 24 June 2003;
 - e. subject to any further order by the Tribunal, Ireland shall submit, not later than 30 June 2004 and every six months thereafter, a report to the Tribunal on developments in the proceedings before the European Court of Justice;
 - f. the Tribunal shall remain seized of the dispute;
2. Reserves the subsequent procedure for further decision;
 3. Instructs the Registrar to transmit a copy of this Order to the European Commission.

Done at The Hague this fourteenth day of November two thousand and three.

Signed:



Thomas A. Mensah
President



Anne Joyce
Registrar