



PRESS RELEASE

MOX Plant Arbitral Tribunal Issues Order No. 6 Terminating Proceedings

On 6 June 2008, the Tribunal established under Annex VII of the United Nations Convention on the Law of the Sea to hear arguments in the MOX Plant arbitration between Ireland and the United Kingdom issued *Order No. 6 – Termination of Proceedings*. Ireland formally notified the Tribunal of the withdrawal of its claim against the United Kingdom on 15 February 2007. Having considered the Parties' submissions on the apportionment of costs, the Tribunal determined that there was no reason to depart from the practice of inter-state litigation regarding the apportionment of costs. *Order No. 6* formalises the withdrawal of Ireland's claim against the United Kingdom, the Tribunal's decision on costs, and the termination of these proceedings.

History of the Proceedings

On 25 October 2001, Ireland instituted arbitral proceedings against the United Kingdom 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 case concerns discharges into the Irish Sea from a mixed oxide fuel ("MOX") plant located at Sellafield nuclear facility in the United Kingdom, and related movements of radioactive material through the Irish Sea. A five member arbitral tribunal was established, consisting of Judge Thomas A. Mensah (President), Professor James Crawford SC, Maître L. Yves Fortier CC QC, Professor Gerhard Hafner, and Sir Arthur Watts KCMG QC.

Hearings in the case took place from 10 June 2003 until 21 June 2003, after which the Tribunal issued, on 24 June 2003, *Order No. 3 – Suspension of Proceedings on Jurisdiction and Merits, and Request for Further Provisional Measures*. On 14 November 2003, the Tribunal issued *Order No. 4 – Further Suspension of Proceedings on Jurisdiction and Merits*, under which the arbitral proceedings were suspended until the European Court of Justice had given judgment in a related case concerning European Community law issues, or until the Tribunal otherwise determines. The European Court of Justice delivered its judgment on 30 May 2006. The arbitral proceedings remained suspended, with the Parties submitting periodic reports to the Tribunal, in accordance with *Orders No. 3 & 4*. The Tribunal issued *Order No. 5 – Suspending Periodic Reports by the Parties* on 21 February 2007. This Order formalised the suspension until further notice of the requirement that the Parties submit periodic reports and information on the provisional measure (prescribed by ITLOS in its Order of 3 December 2001) and the requirement that Ireland submit periodic reports on developments in the proceedings before the European Court of Justice. Following the death of Sir Arthur Watts on 16 November 2007, the United Kingdom appointed, on 31 January 2008, The Rt. Hon. the Lord Mustill as arbitrator.

The International Bureau of the Permanent Court of Arbitration ("PCA") serves as Registry for the case. Copies of previous orders, transcripts of the hearings, and the Parties' written pleadings may be found on the PCA's website www.pca-cpa.org, under the heading "Recent and Pending Cases".

THE HAGUE, 6 JUNE 2008