

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



YEAR 2003

16 December 2003

List of cases:
No. 7

**CASE CONCERNING THE CONSERVATION AND
SUSTAINABLE EXPLOITATION OF SWORDFISH STOCKS
IN THE SOUTH-EASTERN PACIFIC OCEAN**

(CHILE/EUROPEAN COMMUNITY)

ORDER

The President of the Special Chamber of the International Tribunal for the Law of the Sea formed to deal with the above-mentioned case,

Having regard to article 27 of the Statute of the Tribunal (hereinafter "the Statute"),

Having regard to articles 31, 45, 48, 59 and 107 of the Rules of the Tribunal (hereinafter "the Rules"),

Having regard to the Order of the Tribunal of 20 December 2000,

Having regard to the Order of the President of the Special Chamber of 15 March 2001,

Makes the following Order:

1. Whereas, pursuant to the request of Chile and the European Community, the Tribunal, by its Order dated 20 December 2000, formed a special chamber of five judges to deal with the above-mentioned case;

2. Whereas, by the said Order, the Tribunal decided that:

if no preliminary objection is made in writing within 90 days from the institution of proceedings, or if the Special Chamber rejects the preliminary objection or objections, if any, made, or in case of other issues not affected

by the judgment of the Special Chamber on the preliminary objection or objections, the written proceedings shall consist of:

- a Memorial presented by each of the Parties within six months from the date of the judgment on the preliminary objection or, if no preliminary objection is made within the time-limit specified above, within six months after the expiry of the period of 90 days from the institution of proceedings;
- a Counter-Memorial presented by each of the Parties within three months after the date on which a certified copy of the last of the two Memorials sent by one Party has been received by the other Party;

3. Whereas the President of the Special Chamber, by his Order dated 15 March 2001, decided that for the words “the institution of proceedings”, wherever they occur in the decision contained in the Order dated 20 December 2000, the words “1 January 2004” shall be substituted;

4. Whereas, in the Order dated 15 March 2001, the President of the Special Chamber reserved the subsequent procedure for further decision;

5. Whereas, Chile, by a letter dated 31 October 2003, and the European Community, by a letter dated 11 November 2003, requested that the time-limits for the proceedings before the Special Chamber continue to be suspended for a further period of two years;

6. Whereas, in the said letters, each Party reserved its right to revive the proceedings at any time;

Taking account of the agreement of the Parties,

Decides that the decision of the Tribunal, referred to in paragraph 2, shall apply, subject to the following modification:

In the said decision, for the words “the institution of proceedings”, wherever they occur, the words “1 January 2006” shall be substituted;

Decides further that, notwithstanding anything contained above, either Party shall have the right to request that the time-limit of 90 days specified in the decision, referred to in paragraph 2, shall begin to apply from any date prior to 1 January 2006, in which case the said time-limit shall begin to apply from the date on which such a request is received by the other Party;

Reserves the subsequent procedure for further decision.

Done in English and in French, both texts being authoritative, in the Free and Hanseatic City of Hamburg, this sixteenth day of December, two thousand and three, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Chile and to the European Community, respectively.

(signed) P. CHANDRASEKHARA RAO,
President of the Special Chamber.

(signed) PHILIPPE GAUTIER,
Registrar.