



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° 5

SUSPENSION OF PERIODIC REPORTS BY THE PARTIES

22 January 2007

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, *inter alia*, to suspend further proceedings in the case until not later than 1 December 2003;

Having regard to Order No. 4 of 14 November 2003 by which the Tribunal decided, *inter alia*:

- a. that further proceedings in the case shall remain suspended until the European Court of Justice had given judgment or the Tribunal otherwise determined; and
- b. that suspension of the proceedings shall be without prejudice to the continuation of the matters ordered in the *Dispositif* of the Tribunal's Order No. 3 of 24 June 2003, including
 - i. the order in paragraph 1(d) of the *Dispositif* that, subject to any further order by the Tribunal, the Parties shall 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;
 - ii. the order in paragraph 1(e) of the *Dispositif* that, subject to any further order by the Tribunal, Ireland shall submit not later than 30 June 2004 and every six months thereafter, reports on developments in the proceedings before the European Court of Justice

Having regard to the reports and information submitted jointly by the Parties in November 2003, May 2004, November 2004, May 2005, November 2005 and May 2006, pursuant to paragraph 1(d) of the *Dispositif* of Order No. 4 of 14 November 2003;

Having regard to the reports on developments in the proceedings before the European Court of Justice submitted by Ireland in letters dated 28 November 2003, 28 May 2004, 28 June 2004, 22 December 2004, 20 September 2005, 30 November 2005, 3 February 2006, 9 May 2006 and 31 May 2006, pursuant to paragraph 1(e) of the *Dispositif* of Order No. 4 of 14 November 2003;

Having regard to the Judgment of the European Court of Justice (ECJ) delivered on 30 May 2006 and communicated to the Tribunal by the Agent of Ireland in his letter dated 31 May 2006;

Having regard to the letter dated 16 June 2006 from the Registrar to the Parties requesting their reactions and intentions regarding further proceedings in the MOX Plant Case in light of the Judgment of the ECJ;

Having regard to the responses of the Parties to the Registrar's letter and, in particular, the letter dated 30 June 2006 from the Agent of Ireland to the Registrar informing the Tribunal that Ireland was considering the important implications of the Judgment of the ECJ;

Having regard to the letter dated 30 November 2006 from the Deputy Agent for the United Kingdom to the Registrar which stated, *inter alia*, that the Parties had continued to enhance their co-operation on nuclear energy and radiation protection during the period since the submission of the last reports on 31 May 2006, with beneficial outcomes;

Having regard to the letter dated 30 November 2006 from the Agent of Ireland by which Ireland raised the issue whether it was appropriate for Ireland or the United Kingdom to continue the periodic reporting obligation on co-operation to the Tribunal;

Having regard to the letter dated 12 January 2007 from the Deputy Agent of the United Kingdom to the Registrar noting, *inter alia*, that the United Kingdom would not object to the termination or suspension of the periodic reporting obligation on co-operation to the Tribunal;

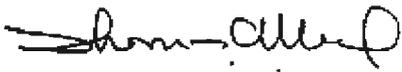
1. Decides that

- a. the obligation on the Parties to submit periodic reports and information on compliance with the provisional measure affirmed and recommendations made by the Tribunal in Order No. 3 of 24 June 2003, pursuant to paragraph 1(d) of the *Dispositif* of the Tribunal's Order No. 4 of 14 November 2003, is suspended until further notice;
- b. the obligation on Ireland to submit periodic reports on developments in the proceedings before the European Court of Justice, pursuant to paragraph 1(e) of the *Dispositif* of the Tribunal's Order No. 4 of 14 November 2003, is suspended until further notice;

- c. the Tribunal shall remain seized of the dispute;
2. Reserves the subsequent procedure for further decision.

Done at The Hague this twenty-second day of January two thousand and seven.

Signed:



Thomas A. Mensah
President



Belinda Macmahon
Registrar