

PCA Case No. 2015-28

IN THE MATTER OF AN ARBITRATION

- before -

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

- between -

THE ITALIAN REPUBLIC

(APPLICANT)

- and -

THE REPUBLIC OF INDIA

(RESPONDENT)

- concerning -

THE “ENRICA LEXIE” INCIDENT

PROCEDURAL ORDER NO. 1
(Procedural Timetable for Provisional Measures)

ARBITRAL TRIBUNAL:

H.E. Judge Vladimir Golitsyn (President)
H.E. Judge Jin-Hyun Paik
H.E. Judge Patrick Robinson
Professor Francesco Francioni
H.E. Judge Patibandla Chandrasekhara Rao

REGISTRY:

The Permanent Court of Arbitration

WHEREAS the Italian Republic and the Republic of India are Parties to the 1982 United Nations Convention on the Law of the Sea (“**UNCLOS**” or the “**Convention**”);

WHEREAS Italy has invoked Articles 286 and 287 of the Convention and Article 1 of Annex VII to the Convention with regard to the dispute concerning the Enrica Lexie Incident as set out in Italy’s “Notification under Article 287 and Annex VII, Article 1 of UNCLOS and Statement of Claim and Grounds on Which it is Based”, dated 26 June 2015;

WHEREAS on 11 December 2015, Italy submitted a request for provisional measures to the Tribunal pursuant to Article 290(1) of the Convention (the “**Request**”); and whereas Article 290(1) of the Convention provides that “[i]f a dispute has been duly submitted to a court or tribunal which considers *prima facie* it has jurisdiction under this Part of Part XI, section 5, the court or tribunal may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment, pending the final decision”;


WHEREAS on 18 January 2016, the Arbitral Tribunal held a first procedural meeting with the Parties at the Peace Palace in The Hague;

WHEREAS at that procedural meeting, the Arbitral Tribunal determined, after consultation with the Parties, its Rules of Procedure for the present arbitration;

HAVING REGARD TO THE CONSULTATIONS WITH THE PARTIES AT THE FIRST PROCEDURAL MEETING, THE ARBITRAL TRIBUNAL ISSUES THE FOLLOWING PROCEDURAL ORDER:

1. India shall submit a response to Italy’s Request no later than **26 February 2016**.
2. A hearing on provisional measures shall be held on **30 and 31 March 2016** at the Peace Palace in The Hague.

For the Arbitral Tribunal:

A handwritten signature in black ink, appearing to read 'V. Golitsyn', followed by a horizontal line.

19 January 2016