

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. 2
(Extension of the Due Dates for Written Submissions)

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 Italy instituted this arbitration by serving on India a “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 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 (the “**Rules of Procedure**”); and whereas Article 9 of the Rules of Procedure establishes the procedural calendar for the submission of written pleadings;

WHEREAS on 29 April 2016, following a Request for the Prescription of Provisional Measures dated 11 December 2015 by Italy, the Arbitral Tribunal unanimously issued an Order prescribing certain provisional measures;

WHEREAS on 7 September 2016, Italy submitted a request to extend the due dates for the submission of its Memorial and of all subsequent filings by two weeks pursuant to Articles 1(1) and 9(6) of the Rules of Procedure, stating that India had agreed to the two-week extension;

WHEREAS on 8 September 2016, India confirmed that it had no objection to Italy’s extension request;

THE ARBITRAL TRIBUNAL ISSUES THE FOLLOWING PROCEDURAL ORDER:

1. Italy’s request for an extension of the due dates for the submission of its Memorial and of all subsequent filings is granted.
2. The calendar for the proceedings, as originally set out in Article 9 of the Rules of Procedure, shall be as follows:
 1. On or before **30 September 2016**, Italy shall submit to India, to the Registry, and to each of the arbitrators a Memorial containing:
 - (a) A statement of any facts on which Italy relies;
 - (b) Italy’s submissions on law;
 - (c) A statement of the decision and relief sought by Italy.
 2. On or before **14 April 2017**, India shall submit a Counter-Memorial containing:
 - (a) An admission or denial of any facts alleged in the Memorial and a statement of any additional facts on which India relies;

- (b) Observations concerning the submissions on law in the Memorial and India's submissions on law in answer thereto;
 - (c) Any objections to jurisdiction and/or admissibility that India may wish to make pursuant to Article 10(2)(b) herein;
 - (d) A statement of the decision and relief sought by India.
3. On or before **11 August 2017**, Italy may submit a Reply, including a Counter-Memorial on any objections to jurisdiction and/or admissibility made by India pursuant to Articles 9(2)(c) and 10(2)(b) herein.
 4. On or before **15 December 2017**, India may submit a Rejoinder, including a Reply to any Counter-Memorial on jurisdiction and/or admissibility made by Italy pursuant to Articles 9(3) herein.
 5. In the event that India submits objections to jurisdiction and/or admissibility pursuant to Article 10(2)(b) herein, or pursuant to Article 10(2)(a) in circumstances in which the proceedings thereon were not bifurcated, Italy may submit a Rejoinder to any Reply on jurisdiction and/or admissibility limited to question of jurisdiction and/or admissibility made by India pursuant to Article 9(4) herein on or before **16 February 2018**.
3. Article 9 of the Rules of Procedure is amended accordingly.

For the Arbitral Tribunal:



H.E. Judge Vladimir Golitsyn
President

9 September 2016