

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. 3
(Procedural Calendar for Pleadings in respect of India's Counter-Claim)

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 the present 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 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 9 September 2016, the Arbitral Tribunal issued Procedural Order No. 2 amending such procedural calendar;

WHEREAS pursuant to the amended procedural calendar, on 30 September 2016, Italy filed its Memorial;

WHEREAS on 14 April 2017, India submitted its Counter-Memorial, in which it *inter alia* presented a counter-claim;

WHEREAS by letter dated 19 May 2017, Italy submitted a proposal to the Arbitral Tribunal as to the procedural calendar for further written pleadings in respect of India’s counter-claim;

WHEREAS by letter dated 23 May 2017, India confirmed its agreement with Italy’s proposal;

TAKING THE PARTIES’ VIEWS INTO ACCOUNT, THE ARBITRAL TRIBUNAL ISSUES THE FOLLOWING PROCEDURAL ORDER:

1. The procedural calendar for the submission of written pleadings set out in Article 9 of the Rules of Procedure, as amended by Procedural Order No. 2, shall be maintained with the following further amendments:
 1. On or before 11 August 2017, Italy may submit a Reply, including a Counter-Memorial on India’s jurisdictional objections and a Counter-Memorial on India’s counter-claim;
 2. On or before 15 December 2017, India may submit a Rejoinder, including a Reply to Italy’s Counter-Memorial on jurisdiction and/or admissibility and to Italy’s Counter-Memorial on India’s counter-claim;
 3. On or before 16 February 2018, Italy may submit its Rejoinder to India’s Reply on jurisdiction and/or admissibility and to India’s Reply on India’s counter-claim.
2. This order is without prejudice to the admissibility of the counter-claim presented by India or the Arbitral Tribunal’s jurisdiction to address such counter-claim.
3. The Arbitral Tribunal may take a decision as to the admissibility of the counter-claim and the Arbitral Tribunal’s jurisdiction either in an Award on Jurisdiction and Merits or separately from

that Award at an earlier stage.

For the Arbitral Tribunal:

A handwritten signature in black ink, appearing to read "V. Golitsyn". The signature is written in a cursive style with a large, sweeping "V" at the beginning.

H.E. Judge Vladimir Golitsyn
President

1 June 2017