

PCA Case No. 2017-06

IN THE MATTER OF AN ARBITRATION

- before -

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

- between -

UKRAINE
(APPLICANT)

- and -

THE RUSSIAN FEDERATION
(RESPONDENT)

- in respect of -

Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait

PROCEDURAL ORDER NO. 5
Regarding the Schedule for the Hearing on Jurisdiction

ARBITRAL TRIBUNAL:

Judge Jin-Hyun Paik (President)
Judge Boualem Bouguetaia
Judge Alonso Gómez-Robledo
Judge Vladimir Golitsyn
Professor Vaughan Lowe

REGISTRY:

The Permanent Court of Arbitration

WHEREAS in accordance with Article 10, paragraph 2, of the Rules of Procedure, on 21 May 2018, the Russian Federation submitted to the Arbitral Tribunal its Preliminary Objections dated 19 May 2018;

WHEREAS on 20 August 2018, after having sought the views of the Parties, the Arbitral Tribunal adopted Procedural Order No. 3:

1. The Arbitral Tribunal considers that the Preliminary Objections of the Russian Federation appear at this stage to be of a character that requires them to be examined in a preliminary phase, and accordingly decides that the Preliminary Objections of the Russian Federation shall be addressed in a preliminary phase of these proceedings.

2. If the Arbitral Tribunal determines after the closure of the preliminary phase of the proceedings that there are Preliminary Objections that do not possess an exclusively preliminary character, then, in accordance with Article 10, paragraph 8, of the Rules of Procedure, such matters shall be reserved for consideration and decision in the context of the proceedings on the merits.

3. The proceedings on the merits are hereby suspended, and the President of the Arbitral Tribunal, after ascertaining the views of the Parties, will fix time-limits for further pleadings in accordance with Article 10, paragraph 5, of the Rules of Procedure.

WHEREAS on 27 August 2018, the President of the Arbitral Tribunal, having regard to Article 10, paragraph 5, of the Rules of Procedure and having ascertained the views of the Parties, established the timetable for the Parties' further written pleadings on jurisdiction in Procedural Order No. 4; and whereas, in accordance with that timetable, on 27 November 2018, Ukraine submitted its Written Observations and Submissions; on 28 January 2019, the Russian Federation submitted its Reply; and on 28 March 2019, Ukraine submitted its Rejoinder;

WHEREAS Article 16, paragraph 2, of the Rules of Procedure provides:

The dates for the hearings shall be set by the Arbitral Tribunal in good time, after ascertaining the views of the Parties. The Arbitral Tribunal shall give the Parties adequate advance notice of the date, time and place of any oral hearing.

WHEREAS Article 27, paragraph 3, of the Rules of Procedure provides:

The presentation of the Parties' opening statements at any hearing shall be open to the public. The Arbitral Tribunal, after ascertaining the views of the Parties, shall consider at the appropriate time the extent to which any other parts of hearings shall be open to the public.

WHEREAS in accordance with Article 10, paragraph 6, and Article 16, paragraph 2, of the Rules of Procedure, the Tribunal has ascertained the views of the Parties in respect of procedural and administrative aspects of the hearing on Preliminary Objections of the Russian Federation;

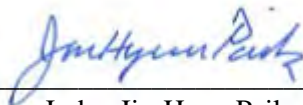
THE ARBITRAL TRIBUNAL HEREBY DECIDES:

1. The following schedule for the Parties' pleadings in relation to the Preliminary Objections of the Russian Federation is established:

First round of oral argument	
Monday, 10 June 2019 (10 am – 1 pm; 2:30 pm – 5:30 pm) (with the possibility of extra time from 5:30 pm to 6 pm)	The Russian Federation
Tuesday, 11 June 2019 (10 am – 1 pm; 2:30 pm – 5:30 pm) (with the possibility of extra time from 5:30 pm to 6 pm)	Ukraine
Second round of oral argument	
Thursday, 13 June 2019 (9:30 am – 1 pm)	The Russian Federation
Friday, 14 June 2019 (2 pm – 5:30 pm)	Ukraine

2. The opening statements of each Party's Agent in the first round of oral pleadings will be made accessible to the public through an online stream available on the website of the PCA;
3. Members of the public, including accredited press representatives and members of the diplomatic corps, will be able to follow the opening statements at the Peace Palace, The Hague. The PCA shall in due course publish appropriate direction as to the modalities for attendance and accreditation.

Dated: 8 April 2019



Judge Jin-Hyun Paik
President