

PERMANENT COURT OF ARBITRATION



PRESS RELEASE

MOX Plant Arbitral Tribunal Issues Order No. 4 Further Suspending Proceedings on Jurisdiction and Merits

The arbitral tribunal established to hear arguments in the MOX Plant Case between Ireland and the United Kingdom today issued *Order No. 4 – Further Suspension of Proceedings on Jurisdiction and Merits*. Proceedings are now suspended until the European Court of Justice has given judgment in a related case concerning European Community law issues, or until the Tribunal otherwise determines.

Order No. 4 also states that the further suspension of proceedings is without prejudice to certain matters ordered in the Tribunal's *Order No. 3* of 24 June 2003, and extends the time period given in that order for the Parties to provide certain reports and information until 28 November 2003. Additionally, *Order No. 4* sets forth new reporting requirements and states that the Tribunal remains seized of the dispute.

History of the Proceedings

On 25 October 2001, Ireland instituted proceedings against the United Kingdom 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 case concerns discharges into the Irish Sea from a mixed oxide fuel ("MOX") plant located at Sellafield nuclear facility in the United Kingdom, and related movements of radioactive material through the Irish Sea. A five member arbitral tribunal was established, and consists of Judge Thomas A. Mensah (President), Professor James Crawford SC, Maître L. Yves Fortier CC QC, Professor Gerhard Hafner, and Sir Arthur Watts KCMG QC.

Hearings in the case took place from 10 June 2003 until 21 June 2003, after which the Tribunal issued, on 24 June 2003, *Order No. 3 – Suspension of Proceedings on Jurisdiction and Merits, and Request for Further Provisional Measures*.

The International Bureau of the Permanent Court of Arbitration ("PCA") is serving as registry for the case. Copies of previous orders, transcripts of the hearings, and the Parties' written pleadings may be found on the PCA's website www.pca-cpa.org, under the heading "Recent and Pending Cases".

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