



PRESS RELEASE

MOX Plant Arbitral Tribunal Issues Order No. 5 Suspending Periodic Reports by the Parties

The arbitral tribunal established to hear arguments in the MOX Plant Case between Ireland and the United Kingdom informed the Parties on 22 January 2007 that it had decided to suspend until further notice the requirement that they submit periodic reports and information on the provisional measure (prescribed by ITLOS in its Order of 3 December 2001) affirmed and the recommendations made in the Tribunal's *Order No. 3* of 24 June 2003, and the requirement that Ireland submit periodic reports on developments in the proceedings before the European Court of Justice. The Tribunal issued *Order No. 5 – Suspension of Periodic Reports by the Parties* which formalises this suspension. *Order No. 5* also states that the Tribunal remains seized of the dispute and that it reserves the subsequent procedure for further decision.

History of the Proceedings

On 25 October 2001, Ireland instituted arbitral 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*. On 14 November 2003, the Tribunal issued *Order No. 4 – Further Suspension of Proceedings on Jurisdiction and Merits*, under which the arbitral proceedings were suspended until the European Court of Justice had given judgment in a related case concerning European Community law issues, or until the Tribunal otherwise determines. The European Court of Justice delivered its judgment on 30 May 2006. The arbitral proceedings have remained suspended, with the Parties submitting periodic reports to the Tribunal, in accordance with *Orders No. 3 & 4*.

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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