



# PERMANENT COURT OF ARBITRATION

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**Arbitral Tribunal Constituted 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 MOX Plant Case**

**IRELAND v. UNITED KINGDOM**

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**ORDER N° 6**

**TERMINATION OF PROCEEDINGS**

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**6 June 2008**

## **The Arbitral Tribunal**

Having regard to Articles 1 and 8 of the Rules of Procedure adopted by the Tribunal;

Having regard to the previous Orders of the Tribunal and in particular Order N° 3 of 24 June 2003 by which the Tribunal decided, *inter alia*, to suspend further proceedings in the case until the European Court of Justice had given judgment or the Tribunal otherwise determined;

Having regard to the Judgment of the European Court of Justice (ECJ) delivered on 30 May 2006 (Case C-459/03) and communicated to the Tribunal by the Agent for Ireland in his letter dated 31 May 2006;

Having regard to the letter dated 15 February 2007 by which the Agent for Ireland formally notified the Registry of the withdrawal by Ireland of the claim made by it against the United Kingdom regarding the MOX Plant in the proceedings before the Tribunal;

Having regard to the letters from the Agent for the United Kingdom dated 16 July 2007 and 15 November 2007, regarding the apportionment of costs;

Having regards to the letters from the Agent for Ireland dated 28 September 2007 and 14 January 2008, in response to the 16 July and 15 November 2007 submissions of the United Kingdom;

Having regard to Article 16(1) of the Tribunal's Rules of Procedure which provides that, "Unless the Arbitral Tribunal determines otherwise because of the particular circumstances of the case, the costs of the Arbitral Tribunal, including the remuneration of its members, shall be borne by the Parties in equal shares";

Having regard to Article 17 of the Tribunal's Rules of Procedure which provides that, "The Arbitral Tribunal may make such award as appears appropriate in respect of the costs incurred by the Parties in presenting their respective cases";

Having regard to the sad passing away on 16 November 2007 of Sir Arthur Watts KCMG QC who served with distinction as a member of the Tribunal and made an important contribution to the development and practice of international law;

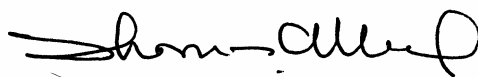
Having regard to the appointment on 31 January 2008 by the United Kingdom of The Rt. Hon. the Lord Mustill as replacement for Sir Arthur Watts KCMG QC in accordance with Article 7(1)(a) of the Tribunal's Rules of Procedure;

Whereas the Tribunal considers that there is no reason to depart from the practice of arbitral tribunals in inter-state litigation regarding apportionment of costs;

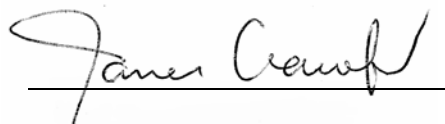
NOW THEREFORE the Arbitral Tribunal unanimously:

1. Decides to place on record the withdrawal by Ireland of the claim made by it against the United Kingdom in the MOX Plant case;
2. Decides, pursuant to Article 16(1) of the Tribunal's Rules of Procedure, that the expenses of the Tribunal shall be borne by the Parties in equal shares;
3. Decides, pursuant to Article 17 of the Tribunal's Rules of Procedure, that each Party shall bear the costs incurred by it in presenting its case;
4. Decides that these proceedings are terminated.


Done at The Hague this 6<sup>th</sup> day of June, two thousand and eight.



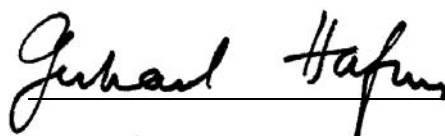
Judge Thomas A. Mensah  
President



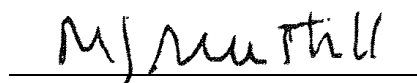
James Crawford, SC



L. Yves Fortier CC QC



Gerhard Hafner



Lord Mustill, PC



Belinda Macmahon  
Registrar