

PERMANENT COURT OF ARBITRATION

DISPUTE CONCERNING ACCESS TO INFORMATION UNDER ARTICLE 9 OF THE OSPAR CONVENTION

IRELAND v. UNITED KINGDOM

DECISION N° 3
18 OCTOBER 2002

PROCEDURES FOR ACCESS TO UNREDACTED VERSIONS OF THE PA AND ADL REPORTS

1. The Arbitral Tribunal acknowledges receipt of the documents tendered by the United Kingdom pursuant to paragraph 4 of its Decision No. 2 of 12 October 2002, and takes note of the letters from the United Kingdom and Ireland of 17 October 2002 and 18 October 2002, respectively.
2. In its letter, the United Kingdom requested confirmation from Ireland that it agrees to the confidentiality undertakings by independent counsel, and that such undertakings extend to the United Kingdom and to BNFL. The Arbitral Tribunal notes Ireland's statement in its letter that it agrees to the undertakings and that such undertakings extend to the United Kingdom as well as to the Tribunal. The Arbitral Tribunal further notes Ireland's agreement to abide by a Tribunal decision of confidentiality with respect to BNFL. The Tribunal notes that the undertakings of confidentiality submitted by independent counsel are general and hence avail all those whose confidential information is made available thereunder.
3. Independent counsel for Ireland may take notes during the course of its review of the above documents and may retain those notes for the duration of the hearing. However, no copies of such notes will be made, and the notes and their substance will be subject to the same confidentiality restrictions as those imposed on the unredacted copies of the PA and ADL reports. Any notes taken will be returned to the Secretary of the Tribunal at the end of the hearing and will be destroyed.

18 October 2002



Michael Reisman
Chairman, on behalf of the Arbitral Tribunal