



PCA PRESS RELEASE

ARBITRATION BETWEEN THE REPUBLIC OF CROATIA AND THE REPUBLIC OF SLOVENIA

THE HAGUE, 2 December 2015

Tribunal sets dates for further submissions

The Arbitral Tribunal in the arbitration between the Republic of Croatia and the Republic of Slovenia has scheduled further proceedings, following letters sent by Croatia to the Tribunal on 24 July 2015 and 31 July 2015.

As was reported in previous PCA Press Releases, on 24 July 2015, Croatia informed the Tribunal that, “[o]n the basis of what has been made publicly available, Croatia considers that the entire arbitral process has been tainted” as a result of contacts between the Agent for Slovenia and the arbitrator originally appointed by Slovenia. On 31 July 2015, Croatia added that, “[i]n accordance with the relevant provisions of the Vienna Convention on the Law of Treaties,” it had “informed the other Signatory to the Agreement of its intention to terminate” the Arbitration Agreement between the Government of the Republic of Croatia and the Government of the Republic of Slovenia signed on 4 November 2009.

On 13 August 2015, Slovenia replied that “Slovenia has objected to Croatia’s purported unilateral termination of the Arbitration Agreement” and took the view that the Tribunal “has the power and the duty to continue the proceedings” as it would otherwise be open to any party wishing to delay or prevent the making of an arbitral award to invoke the Vienna Convention “at any stage” and thereby frustrate the agreement to arbitrate. Slovenia observed that “Croatia has achieved its vital interest and joined the EU through the operation of Article 9 of the Arbitration Agreement it now wishes to terminate”.

On 25 September 2015, following the resignation of the arbitrators appointed by Croatia and Slovenia, the Tribunal was recomposed in accordance with Article 2, paragraph 2 of the Arbitration Agreement. The Tribunal is now composed of H.E. Mr. Rolf Einar Fife, Professor Vaughan Lowe QC, Professor Nicolas Michel and Judge Bruno Simma as arbitrators, and Judge Gilbert Guillaume as President.

The Tribunal, thus recomposed, will now have to take a decision on the questions arising from the aforementioned correspondence. It has therefore invited the two Governments to make further submissions “concerning the legal implications of the matters set out in Croatia’s letters of 24 July 2015 and 31 July 2015”. To this effect, the Tribunal has fixed the following procedural calendar:

Croatia’s submission: 15 January 2016

Slovenia’s submission: 26 February 2016

In addition, the Tribunal intends to hold a hearing in March 2016.

Further information about the proceedings is available on the PCA Case Repository (<http://www.pccases.com>).

* * *

Contact: Permanent Court of Arbitration
E-mail: bureau@pca-cpa.org