

International Centre for Settlement of Investment Disputes

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Impregilo S.p.A.

v.

Islamic Republic of Pakistan

(ICSID Case No. ARB/02/2)

Order for Discontinuance of the Proceeding

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Order for Discontinuance of the Proceeding

1. On January 28, 2002, the International Centre for Settlement of Investment Disputes (ICSID) received from Impregilo S.p.A. a request, dated January 28, 2002, for the institution of arbitration proceedings in respect of a dispute with the Islamic Republic of Pakistan. The request was registered on February 12, 2002 and both parties were notified of the registration on that date.

2. On May 30, 2002, before the constitution of any Arbitral Tribunal, ICSID received from Impregilo S.p.A. a letter of May 29, 2002, stating that Impregilo S.p.A. “withdraws its Request for Arbitration” as the parties had “engaged in discussions and reached an agreement outlining the framework for a possible settlement of the disputes described in the Request.” Impregilo S.p.A. also stated in its letter of May 29, 2002 that it had “committed to working with the Government of Pakistan to implement the settlement agreement.”

3. Rule 44 of the Arbitration Rules of ICSID provides that, if a party requests the discontinuance of a proceeding, the Tribunal, or the Secretary-General if the Tribunal has not yet been constituted, shall in an order fix a time limit within which the other party may state in writing whether it opposes the discontinuance, and that, if no written objection is made, such other party will be deemed to have acquiesced in the discontinuance and the Tribunal, or Secretary-General if the Tribunal has not yet been constituted, shall in an order take note of the discontinuance of the proceeding.

4. By letter of May 31, 2002, ICSID sent to the Islamic Republic of Pakistan an order of the same date fixing, pursuant to Arbitration Rule 44, June 10, 2002 as the date by which the Islamic Republic of Pakistan could state whether it opposed the discontinuance.

5. On June 6, 2002, ICSID received a letter of the same date from the Islamic Republic of Pakistan, confirming that the “Government of Pakistan has no objection to the withdrawal of subject Request for Arbitration by Impregilo S.p.A.”

6. Therefore, in accordance with Arbitration Rule 44, I hereby take note of the discontinuance of the proceeding.

-Signed-

Ko-Yung Tung
Secretary-General

Washington, D.C.

June 11, 2002