

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

QUESTIONS RELATIVES AUX IMMUNITÉS
JURIDICTIONNELLES DE L'ÉTAT
ET AUX MESURES DE CONTRAINTE
CONTRE DES BIENS APPARTENANT À L'ÉTAT
(ALLEMAGNE c. ITALIE)

ORDONNANCE DU 30 MAI 2023

2023

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

QUESTIONS OF JURISDICTIONAL
IMMUNITIES OF THE STATE
AND MEASURES OF CONSTRAINT
AGAINST STATE-OWNED PROPERTY
(GERMANY v. ITALY)

ORDER OF 30 MAY 2023

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INTERNATIONAL COURT OF JUSTICE

YEAR 2023

30 May 20232023
30 May
General List
No. 183QUESTIONS OF JURISDICTIONAL
IMMUNITIES OF THE STATE
AND MEASURES OF CONSTRAINT
AGAINST STATE-OWNED PROPERTY

(GERMANY v. ITALY)

ORDER

The President of the International Court of Justice,

Having regard to Article 48 of the Statute of the Court and Article 44, paragraphs 3 and 4, of the Rules of Court,

Having regard to the Application filed by the Federal Republic of Germany (hereinafter “Germany”) on 29 April 2022 instituting proceedings against the Italian Republic (hereinafter “Italy”) concerning the alleged violation by Italy of its obligation to respect Germany’s sovereign immunity, and to the Request for the indication of provisional measures contained in the Application,

Having regard to the Order dated 10 June 2022, whereby the Court fixed 12 June 2023 and 12 June 2024 as the respective time-limits for the filing of the Memorial of Germany and the Counter-Memorial of Italy;

Whereas, by a letter dated 22 May 2023, the Agent of Germany requested the Court to extend until 12 January 2024 the time-limit for the filing of the Memorial of Germany; whereas the Agent explained that the Italian Ministry of Foreign Affairs and International Cooperation had recently informed the German Federal Foreign Office of the scheduling of hearings in a case before the Italian Constitutional Court that, according to Germany, could have a significant impact on the present proceedings; whereas the Agent indicated that, in Germany’s view, these new developments justified an extension of the time-limit for the filing of Germany’s Memorial; whereas

the Agent finally noted that the request was submitted following consultations between the German Federal Foreign Office and the Italian Ministry of Foreign Affairs and International Cooperation, which did not oppose the request, and that Germany in turn would not oppose an equivalent request for an extension of the time-limit for the filing of Italy's Counter-Memorial, should such a request be made; and whereas, on receipt of that letter, the Registrar transmitted a copy thereof to the Agent of Italy;

Whereas, by a letter also dated 22 May 2023, the Agent of Italy, referring to the above-mentioned letter from the Agent of Germany of the same date, informed the Court that, following consultations between the Parties and in light of the ongoing proceedings before the Italian Constitutional Court, her Government did not oppose Germany's request that the time-limit for the filing of its Memorial be extended until 12 January 2024; and whereas the Agent added that, should that request be granted, Italy would request an equivalent extension of the time-limit for the filing of its Counter-Memorial;

Taking into account the agreement of the Parties,

Extends to 12 January 2024 the time-limit for the filing of the Memorial of the Federal Republic of Germany;

Extends to 12 August 2025 the time-limit for the filing of the Counter-Memorial of the Italian Republic; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this thirtieth day of May, two thousand and twenty-three, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Federal Republic of Germany and the Government of the Italian Republic, respectively.

(Signed) Joan E. DONOGHUE,
President.

(Signed) Philippe GAUTIER,
Registrar.
