



**Mealey's International Arbitration Report** examines arbitration and related litigation in courts worldwide, including cases heard by the International Centre for Settlement of Investment Disputes, the Permanent Court of Arbitration, and the England and Wales High Court, Commercial Court. It also highlights events of interest at arbitration institutions around the globe.

### Topical Snapshot

Many investors are engaging in international investment dispute resolution. Claimants are commencing arbitration of investor state disagreements with the International Centre for Settlement of Investment Disputes (ICSID) based in Washington, D.C. ICSID was created pursuant to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States or ICSID Convention and has been ratified by more than 100 states. Many parties are also opting to arbitrate disputes with the Permanent Court of Arbitration (PCA) in The Hague, The Netherlands. The PCA is an intergovernmental organization that hears inter-state, investor-state, and other arbitrations. The cases are usually commenced under a bilateral treaty, the United Nations Commission on International Trade Law (UNCITRAL) Rules, or the United Nations Convention on the Law of the Sea (UNCLOS). Some other popular arbitration forums are the London Court of International Arbitration (LCIA), the International Chamber of Commerce (ICC), the International Court of Arbitration, and the Arbitration Institute of the Stockholm Chamber of Commerce (SCC).

### Who Needs to Know

- » Attorneys who focus on international law
- » Arbitrators and arbitration centers
- » Judges and court staff across the U.S. federal judiciary and abroad
- » U.N. Compensation Commission

### Areas of Coverage

- » Bilateral investment treaties
- » Enforcement
- » Jurisdiction
- » Forum selection
- » Use of experts
- » Judicial supervision
- » Award enforcement
- » Confirmation
- » Discovery in aid of arbitration
- » Confidentiality
- » Contract formation
- » Immunity
- » Damages
- » Arbitration legislation
- » Conduct of arbitrators

### How Lexis Legal News Can Help

**Mealey's International Arbitration Report** on Lexis Legal News and via email delivery features unbiased news stories, case summaries, attorney listings, and the PDF of court and tribunal documents. Subscribers also receive expert commentary articles and email bulletins of breaking news. This valuable insight into current news and mediation trends helps subscribers to advise clients, prepare for trial, draft pleadings and briefs, connect with key players in arbitration, gauge the temperament of the judiciary and arbitral forums, and build compelling cases.

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 Cc:  
 Subject: Mealey's International Arbitration Report, December 2015, Volume 30, Issue 12

#### Lexis® Legal News

#### MEALEY'S INTERNATIONAL ARBITRATION

##### Awards

##### ICSID Orders Slovenia To Pay Electric Company \$31 Million For Breaches

WASHINGTON, D.C. — A tribunal for the International Centre for Settlement of Investment Disputes (ICSID) on Dec. 17 issued its decision in an arbitration commenced by the national electric company of Croatia against the Republic of Slovenia in relation to an agreement for the operation of a power plant, finding that it had jurisdiction to hear the dispute and ordering Slovenia to pay the company \$31,686,893 (Hrvatska Elektroprivreda d.d. v. Republic of Slovenia, No. ARB/05/24, ICSID).

##### LCIA Orders Kurdistan To Pay \$1.9 Billion Award Over Gas Field Development

SHARJAH, United Arab Emirates — A United Arab Emirates (UAE) gas company on Nov. 29 announced that a London arbitral tribunal has issued a \$1,981,951,322 award in its favor and against the Kurdistan Regional Government of Iraq (KRG).

##### ICSID Dismisses Hungary Company's Energy Charter Treaty Claims Against Hungary

WASHINGTON, D.C. — A tribunal for the International Centre for Settlement of Investment Disputes on Nov. 25 issued its award in an Energy Charter Treaty (ECT) dispute over the termination of power purchase agreements in Hungary, finding that all of a Belgium energy company's substantive claims should be dismissed (Electrabel S.A. v. The Republic of Hungary, No. ARB/07/19, ICSID).

#### SECTION HEADER

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### Mealey's International Arbitration

January 9, 2016  
**ICSID Will Not Hear Investment Dispute Filed Against Guinea**  
 PARIS — A firm representing the Republic of Guinea on Jan. 8 announced that a tribunal for the International Centre for Settlement of Investment Disputes (ICSID) has issued an award, finding that it lacks jurisdiction to hear claims asserted against Guinea in relation to a company's alleged investment in a property (Société Civile Immobilière de Gaëta v. Republic of Guinea, No. ARB/12/36, ICSID).

January 8, 2016  
**Canadian Entities Pursue NAFTA Arbitration Against Over Pipeline Application**  
 WASHINGTON, D.C. — Two Canadian entities on Jan. 6 filed a notice of arbitration against the U.S. government for violation of the North American Free Trade Agreement (NAFTA), seeking \$15 billion in damages in relation to their investment in a crude oil pipeline (TransCanada Corporation & TransCanada PipeLines Limited v. The Government of The United States, NAFTA).

January 7, 2016  
**ICC Issues Decisions To Increase Transparency In Arbitration Cases**  
 PARIS — The International Chamber of Commerce (ICC) International Court of Arbitration on Jan. 5 announced that two new decisions have been issued that are aimed at enhancing the efficiency and transparency of its arbitration cases.

January 6, 2016  
**PCA To Proceed Despite Russia's Failure To File Defense, Will Bifurcate**  
 THE HAGUE, Netherlands — After the Russian Federation objected to jurisdiction and failed to file a statement of defense to claims related to the operation of a passenger terminal at an airport, the Permanent Court of Arbitration (PCA) on Jan. 6 said it has decided to proceed and to bifurcate the issues of jurisdiction and admissibility in a preliminary procedure (Aeroport Belbek LLC and Mr. Igor Valerievich Kolomoisky v. The Russian Federation, No. 2015-07, PCA).

January 6, 2016  
**Biotechnology Firm Claims Mylan Breached Agreements In Singapore Arbitration**  
 MELBOURNE, Australia — An Australian biotechnology company on Jan. 6 announced that it has commenced arbitration in Singapore against a laboratory.

January 6, 2016  
**Belize Seeks Review Of Forum Non Conveniens Ruling With High Court**  
 WASHINGTON, D.C. — The government of Belize on Dec. 22 filed a petition for certiorari with the U.S. Supreme Court, seeking review of an appeals court's decision to deny dismissal of a petition to confirm an arbitration award based on forum non conveniens grounds and confirming the award after rejecting its public policy argument (Government of Belize v. Belize Social Development Limited, No. 15-830, U.S. Sup.; 2015 U.S. S. Ct. Briefs LEXIS 4987).

#### ARTICLE HEADLINE

Links to the full article, related stories, related documents and comments section.

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### ICSID Dismisses Belgium Company's Energy Charter Treaty Claims Against Hungary

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(December 02, 2015, 2:14 PM ET) — WASHINGTON, D.C. — A tribunal for the International Centre for Settlement of Investment Disputes on Nov. 25 issued its award in an Energy Charter Treaty (ECT) dispute over the termination of power purchase agreements in Hungary, finding that all of a Belgium energy company's substantive claims should be dismissed (Electrabel S.A. v. The Republic of Hungary, No. ARB/07/19, ICSID).

(Award available: Document #05-151222-004A.)

In June 2007, Electrabel S.A., an energy generation and sales company from Belgium, filed a request for arbitration with ICSID against Hungary.

Power Purchase

Electrabel sought a declaration that the termination of a power purchase agreement (PPA) constituted an unlawful expropriation in breach of Article 13(1) of the ECT and that full compensation had not been paid. In the alternative, Electrabel sought a declaration that Hungary violated Article 13(1) of the ECT, but prompt, adequate and effective compensation was not paid. Electrabel also sought declarations that Hungary breached Articles 10(1) and 10(7) of the ECT, among other declarations.

Electrabel alleged that Hungary's acts and omissions constituted breaches of the ECT, including expropriation without full or adequate compensation. Electrabel alleged that Hungary failed to afford its investment fair and equitable treatment and failed to create stable, predictable and transparent conditions for Electrabel as an investor under the PPA.

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