

ICSID ANNULMENT CASES

Decisions and Discontinued Proceedings

I. Cases in which the Annulment Committee rendered a decision on the application for annulment

	CASE	CLAIMANT	RESPONDENT	APPLICANT	REGISTERED	MEMBERS OF THE COMMITTEE	DATE OF DECISION	OUTCOME
1.	ARB/97/3	Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A.	Argentine Republic	Respondent	19-Dec-07	Ahmed Sadek El-Kosheri (Egyptian) Andreas J. Jacovides (Cypriot) Jan Hendrik Dalhuisen (Dutch)	10-Aug-10	Application for annulment rejected.
2.	ARB/01/3	Enron Creditors Recovery Corporation (formerly Enron Corporation) and Ponderosa Assets, L.P.	Argentine Republic	Respondent	7-Mar-08	Gavan Griffith (Australian) Patrick L. Robinson (Jamaican) Per Tresselt (Norwegian)	30-Jul-10	Award partially annulled. Aspects annulled included those on availability of defenses, liability and the order for Argentina to pay claimants US\$106.2 million in compensation. Grounds: Article 52(1)(b)
3.	ARB/02/16	Sempra Energy International	Argentine Republic	Respondent	30-Jan-08	Christer Söderlund (Swedish) David A.O. Edward (British) Andreas J. Jacovides (Cypriot)	29-Jun-10	Award entirely annulled. Decision based on tribunal's failure to apply Argentina's treaty-based defense. Grounds: Article 52(1)(b)
4.	ARB/05/19	Helnan International Hotels A/S	Arab Republic of Egypt	Claimant	10-Nov-08	Stephen M. Schwebel (U.S.) Bola Ajibola (Nigerian) Campbell McLachlan (New Zealand)	14-Jun-10	Award partially annulled. Aspect annulled was only that which stated the claimant had to pursue its remedies in domestic proceedings in order to support its claims (paras. 148 and 162 of the award). Grounds: Article 52(1)(b)
5.	ARB/04/5	Compagnie d'Exploitation du Chemin de Fer Transgabonais	Gabonese Republic	Respondent*	10-Jul-08	Franklin Berman (British) Ahmed Sadek El-Kosheri (Egyptian) Rolf Knieper (German)	11-May-10	Not public*
6.	ARB/05/16	Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S.	Republic of Kazakhstan	Respondent	7-Nov-08	Stephen M. Schwebel (U.S.) Campbell McLachlan (New Zealand) Eduardo Silva Romero (Colombian)	25-Mar-10	Application for annulment rejected.
7.	ARB/03/6	M.C.I. Power Group, L.C. and New Turbine, Inc.	Republic of Ecuador	Claimant	6-Dec-07	Dominique Hascher (French) Hans Danielius (Swedish) Peter Tomka (Slovak)	19-Oct-09	Application for annulment rejected.
8.	ARB/01/12	Azurix Corp.	Argentine Republic	Respondent	11-Dec-06	Gavan Griffith (Australian) Bola Ajibola (Nigerian) Michael Hwang (Singaporean)	1-Sep-09	Application for annulment rejected.

	Case	Claimant	Respondent	Applicant	Registered	Members of the committee	Date of decision	Outcome
9.	ARB/05/10	Malaysian Historical Salvors, SDN, BHD	Malaysia	Claimant	17-Sep-07	Stephen M. Schwebel (U.S.) Mohamed Shahabuddeen (Guyanese) Peter Tomka (Slovak)	16-Apr-09	Award entirely annulled. The committee determined it was an error for the tribunal to dismiss the matter for lack of jurisdiction under the ICSID Convention on the basis that there was no "investment." Grounds: Article 52(1)(b) Judge Shahabuddeen issued a dissenting opinion.
10.	ARB/01/8	CMS Gas Transmission Company	Argentine Republic	Respondent	27-Sep-05	Gilbert Guillaume (French) Nabil Elaraby (Egyptian) James R. Crawford (Australian)	25-Sep-07	Award partially annulled. The aspect annulled was the portion finding a breach of the "umbrella clause." Grounds: Article 52(1)(e)
11.	ARB/03/4	Industria Nacional de Alimentos, S.A. and Indalsa Perú, S.A. (formerly Empresas Lucchetti, S.A. and Lucchetti Perú, S.A.)	Republic of Peru	Claimant	1-Jul-05	Hans Danelius (Swedish) Andrea Giardina (Italian) Franklin Berman (British)	5-Sep-07	Application for annulment rejected.
12.	ARB/02/7	Hussein Nuaman Soufraki	United Arab Emirates	Claimant	12-Nov-04	Florentino P. Feliciano (Philippine) Omar Nabulsi (Jordanian) Brigitte Stern (French)	5-Jun-07	Application for annulment rejected.
13.	ARB/01/7	MTD Equity Sdn. Bhd. and MTD Chile S.A.	Republic of Chile	Respondent	30-Sep-04	Gilbert Guillaume (French) James R. Crawford (Australian) Sara Ordoñez Noriega (Colombian)	21-Mar-07	Application for annulment rejected.
14.	ARB/01/10	Repsol YPF Ecuador S.A.	Empresa Estatal Petróleos del Ecuador (Petroecuador)	Respondent	15-Jul-04	Judd L. Kessler (U.S.) Piero Bernardini (Italian) Gonzalo Biggs (Chilean)	8-Jan-07	Application for annulment rejected.
15.	ARB/99/7	Patrick Mitchell	Democratic Republic of the Congo	Respondent	15-Jul-04	Antonias C. Dimolitsa (Greek) Robert S.M. Dossou (Beninese) Andrea Giardina (Italian)	1-Nov-06	Award entirely annulled. The committee determined that the tribunal's finding that there was an "investment" supporting jurisdiction warranted annulment. Grounds: Article (52)(1)(b) & (e)
16.	ARB/00/6	Consortium R.F.C.C.	Kingdom of Morocco	Claimant	30-Apr-04	Bernard Hanotiau (Belgian) Arghyrios A. Fatouros (Greek) Franklin Berman (British)	18-Jan-06	Not public*
17.	ARB/02/14	CDC Group plc	Republic of Seychelles	Respondent	30-Apr-04	Charles N. Brower (U.S.) Michael Hwang (Singaporean) David A.R. Williams (New Zealand)	29-Jun-05	Application for annulment rejected.*

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18.	ARB/97/3	Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A.	Argentine Republic	Claimant	23-Mar-01	L. Yves Fortier (Canadian) James R. Crawford (Australian) José Carlos Fernández Rozas (Spanish)	3-Jul-02	Award partially annulled. The committee determined that the tribunal had manifestly exceeded its powers by not examining the merits of certain claims against local authorities on the grounds that, per the applicable contractual forum selection clause, those claims first had to be resolved by domestic courts. Grounds: Article 52(1)(b)
19.	ARB/98/4	Wena Hotels Limited	Arab Republic of Egypt	Respondent	24-Jan-01	Konstantinos D. Kerameus (Greek) Andreas Bucher (Swiss) Francisco Orrego Vicuña (Chilean)	5-Feb-02	Application for annulment rejected.
20.	ARB/81/1	Amco Asia Corporation and others	Republic of Indonesia	Both*	20-Feb-91	Sompong Sucharitkul (Thai) Argyrios A. Fatouros (Greek) Dietrich Schindler (Swiss)	17-Dec-92	Applications for annulment rejected.*
21.	ARB/81/2	Klößner Industrie-Anlagen GmbH and others	United Republic of Cameroon and Société Camerounaise des Engrais	Both (Respondent sought complete annulment and Claimant partial)*	1-Jul-88	Sompong Sucharitkul (Thai) Andrea Giardina (Italian) Kéba Mbaye (Senegalese)	17-May-90	Applications for annulment rejected.*
22.	ARB/84/4	Maritime International Nominees Establishment	Republic of Guinea	Respondent	30-Mar-88	Sompong Sucharitkul (Thai) Aron Broches (Dutch) Kéba Mbaye (Senegalese)	22-Dec-89	Award partially annulled. The aspects annulled were those awarding MINE damages (including 'interest on damages') as reparation for Guinea's breach of contract, and those awarding MINE US\$275,000 towards the costs of the ICSID arbitration. Grounds: Article 52(1)(e)
23.	ARB/81/1	Amco Asia Corporation and others	Republic of Indonesia	Respondent	18-Mar-85	Ignaz Seidl-Hohenveldern (Austrian) Florentino P. Feliciano (Philippine) Andrea Girardina (Italian)	16-May-86	Award partially annulled. The committee annulled the award with the exception of certain of the tribunal's findings that actions of government officials were illegal, and the tribunal's findings on damages relating to that conduct.* Grounds: Article 52(1)(b) & (e)
24.	ARB/81/2	Klößner Industrie-Anlagen GmbH and others	United Republic of Cameroon and Société Camerounaise des Engrais	Claimant	16-Feb-84	Pierre Lalive (Swiss) Ahmed Sadek El-Kosheri (Egyptian) Ignaz Seidl-Hohenveldern (Austrian)	3-May-85	Award entirely annulled.* Grounds: Article 52(1)(b) & (e)

II. Cases in which proceedings were discontinued before the Committee issued a decision on the merits of the application

	Case	Claimant	Respondent	Applicant	Registered	Members of the committee	Date of decision	Outcome
1.	ARB/05/15	Waguih Elie George Siag and Clorinda Vecchi	Arab Republic of Egypt	Respondent	10-Jul-09	Stephen M. Schwebel (U.S.) Azzedine Kettani (Moroccan) Peter Tomka (Slovak)	21-Jun-10	Discontinuance of the proceeding pursuant ICSID Arbitration Rule 45 (Discontinuance for Failure of Parties to Act).
2.	ARB/02/8	Siemens A.G.	Argentine Republic	Respondent	9-Jul-08	Andrés Rigo Sureda (Spanish) Charles N. Brower (U.S.) Domingo Bello Janeiro (Spanish)	28-Sep-09	Order taking note of the discontinuance of the proceedings issued by annulment committee pursuant to ICSID Arbitration Rule 43(1).
3.	ARB/03/11	Joy Mining Machinery Limited	Arab Republic of Egypt	Claimant	22-Dec-04	Antonias C. Dimolitsa (Greek) Michael Hwang (Singaporean) José Luis Shaw (Uruguayan)	16-Dec-05	Settlement agreed by the parties and proceeding discontinued at their request.
4.	ARB/99/3	Philippe Gruslin	Malaysia	Not public*	19-Dec-00	Thomas Buergenthal (U.S.) Kamal Hossain (Bangladeshi) Gabrielle Kaufmann-Kohler (Swiss)	2-Apr-02	Proceeding discontinued for lack of payment of advances pursuant to Administrative and Financial Regulation 14(3)(d).
5.	ARB/84/3	Southern Pacific Properties (Middle East) Limited	Arab Republic of Egypt	Not public*	27-May-92	Claude Reymond (Swiss) Arghyrios A. Fatouros (Greek) Kéba Mbaye (Senegalese)	9-Mar-93	Settlement agreed by the parties and proceeding discontinued at their request.

* This symbol reflects that the information is not officially available on the ICSID website (<http://icsid.worldbank.org>). In certain cases, however, the information is otherwise available in the public domain through sources including news reports, articles on investment arbitration and briefs in other cases. Where the information has been found in the public domain, it is noted here, though may be incomplete and, because information is sometimes not capable of verification, may be inaccurate.