



ICSID (INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES)

ICSID Case No. ARB/13/31

**INFRASTRUCTURE SERVICES LUXEMBOURG S.À.R.L. AND ENERGIA TERMOSOLAR B.V.  
(FORMERLY ANTIN INFRASTRUCTURE SERVICES LUXEMBOURG S.À.R.L. AND ANTIN  
ENERGIA TERMOSOLAR B.V.) V. KINGDOM OF SPAIN**

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**MINUTE ORDER OF US DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

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15 July 2020

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# Minute Order of US District Court for the District of Columbia

This action SHALL remain STAYED pending the outcome of Respondent Spain's annulment petition before the International Centre for Settlement of Investment Disputes (ICSID), which has scheduled a hearing between November 2-4, 2020.

The Court is in agreement with other courts in this district that "it is wiser to... stay these proceedings pending the opinion of the ICSID regarding Spain's petition to annul." See *Masdar Solar & Wind Cooperatief U.A. v. Kingdom of Spain*, 397 F. Supp. 3d 34, 36 (D.D.C. 2019).

The Court also admonishes Petitioner for citing the Federal Court of Australia's lifting of its STAY in *Eiser Infrastructure Ltd v Spain* 2020 FCA 157 5 (Feb. 24, 2020) (Austl.), see JSR at 5; but failing to note that the Australian Federal Court's decision was later rendered moot when the ICSID unanimously annulled the award in June 2020. See *Eiser Infrastructure Limited and Energa Solar Luxembourg S. r.l. v. Kingdom of Spain*, ICSID No. ARB/13/36 (June 11, 2020).

The parties are instructed to file a further joint status report by no later than three business days after any ruling or development in the annulment proceedings; or by no later than March 1, 2021 if no notice on the annulment proceedings has been filed by that date.