



PCA (PERMANENT COURT OF ARBITRATION)

PCA Case No. 2005-04/AA227

YUKOS UNIVERSAL LIMITED (ISLE OF MAN) V. THE RUSSIAN FEDERATION

DECISION OF ANTWERP COURT OF FIRST INSTANCE

27 June 2016

Table of Contents

Decision of Antwerp Court of First Instance	1
I. OBJECT OF THE CLAIM AND DETAILS OF THE CASE	1
II. ASSESSMENT	1
IN LIGHT OF THESE REASONS:	2

Decision of Antwerp Court of First Instance

- [1]. Considering the motivated application presented on 16 June 2016 by the TECHNICAL STATE UNIVERSITY OF KALININGRAD, Sovietsky prospect 1, 236022 KALININGRAD (Russia), hereinafter referred to as the Applicant, having as legal counsel Mr. Guy VAN DOSSELAERE, attorney-at-law with address at 2018 ANTWERP, Justitiestraat 26, and Mr. Frank ROOSENDAAL, attorney-at-law with address at 2000 ANTWERP, De Burburestraat 6.
- [2]. Considering the law of 15 June 1935 on the use of languages in court cases.
- [3]. Considering the particular regulations of the court.
- [4]. Considering article 584 of the Judicial Code [BJC].

I. Object of the claim and details of the case

- [5]. With regard to the content of the claim and the factual details of the case, reference may be made to the extensive application.

II. Assessment

- [6]. The Applicant introduces its claim pursuant to article 18, second section B.J.C. and implicitly article 584 B.J.C. The application of this article requires the necessary urgency and absolute necessity, due to the fact that the procedure is exceptionally conducted on an *ex parte* basis.
- [7]. The Applicant demonstrates, on the basis of the arguments raised in its application, in any case an interest to introduce this application pursuant to article 584 B.J.C.
- [8]. Article 18, second section B.J.C. permits the introduction of a claim to prevent the violation of a seriously endangered right. This also is demonstrated sufficiently by the Applicant on the basis of the elements in its application and the evidence submitted.
- [9]. Considering the annulment of the arbitral awards of 30 November 2009 and 18 July 2014 by the court of The Hague in the Netherlands on 20 April 2016, no attachments may in principle be levied on the basis of these awards.
- [10]. In the operative part [of its application], the Applicant demands this for one ship, whilst in its argumentation it in fact demands this for two additional ships, one of which is neither the property, nor at the disposal of the Applicant.

IN LIGHT OF THESE REASONS:

- [11]. Ruling after examination and deliberation in chambers on the basis of a unilateral request due to absolute necessity and urgency, pursuant to articles 18 and 584, first section B.J.C.
- [12]. Declares the application admissible and well-founded to the following extent.
- [13]. Prohibits
- The company established under the laws of Cyprus HULLEY ENTERPRISES LIMITED, registered under the number HE 88949 in the Cypriot commercial register, with registered seat at Akropolis, 59-61, 3rd Floor, Flat/Office 301, Strovolos, 2012, NICOSIA, CYPRUS;
 - The company established under the laws of Cyprus VETERAN PETROLEUM LIMITED, registered under the number HE 118058 in the Cypriot commercial register, with registered seat at Spyrou Kyprianou, 20A, Chapo Central, Floor 1, Flat/Office 3, 1075, NICOSIA, CYPRUS;
 - The company established under the laws of the Isle of Man, YUKOS UNIVERSAL LIMITED, with registered seat at International House, Castle Hill, Victoria Roas *[sic]*, ISLE OF MAN, IM2 4RB,
- from levying any type of attachment and/or blocking measure on the sailing ship "KRUZENSHTERN" (IMO no. 6822979) and the sailing ship "SEDOV" (IMO no. 7946356), directly or indirectly on the basis of the annulled arbitral awards of 30 November 2009 (Interim Award) and 18 July 2014 (Final Award), between one or several of the abovementioned and the Russian Federation.
- [14]. Imposes on the abovementioned companies that would, in any possible manner, fail to abide by one of the prohibitions or obligations in this order to pay to the Applicant a penalty of 100,000 EUR per hour and this as of the second hour after the notification of the present order.
- [15]. Declares that the present order may be notified and executed on any hour of the day and of the night including on Saturdays, Sundays and public holidays and this for the period as of 6 July 2016 until and including 11 July 2015 and limited to the Belgian territory (including the territorial waters).
- [16]. Rejects all other and additional claims.
- [17]. This order was pronounced on the twenty-fourth of June two thousand and sixteen in the cabinet of the President of the court of first instance Antwerp, department Antwerp, by: