

ONLINE DIGEST*

Chapter 16 ICSID Convention Annulment Proceedings

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Introduction

➤ [Arbitration rules](#)

- * Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) (1965)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

- * ICSID Rules of Procedure for Arbitration Proceedings (ICSID Arbitration Rules) (2006)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

* The textbook analyses a number of selected international investment agreements (IIAs), awards and other materials that illustrate the rules and practices of international investment law and arbitration as well as the nuances and differences that they display. To enable readers to use all these materials easily and swiftly and to have a holistic view of them, the on-line digest compiles them for each chapter and section; it also provides an internet link to access each of these materials.

16.1 Salient Features of Annulment

➤ Arbitration rules

- * Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) (1965)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

- * ICSID Rules of Procedure for Arbitration Proceedings (ICSID Arbitration Rules) (2006)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

➤ Awards, decisions, judgments and opinions

- * *CEAC Holdings Limited v Montenegro* (ICSID Case No ARB/14/8) - Decision on Annulment (1 May 2018)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C3424/DS11105_En.pdf

- * *Enron Corporation and Ponderosa Assets, L.P. v Argentine Republic* (ICSID Case No ARB/01/3) - Decision on the Application for Annulment of the Argentine Republic (30 July 2010)

Available at:

<https://www.italaw.com/sites/default/files/case-documents/ita0299.pdf>

- * *Hussein Nuaman Soufraki v The United Arab Emirates* (ICSID Case No ARB/02/7) - Decision of the Ad Hoc Committee on the Application for Annulment of Mr Soufraki (5 June 2007)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C213/DC1553_En.pdf

- * *Klöckner Industrie-Anlagen GmbH and Others v United Republic of Cameroon and Société Camerounaise des Engrais* (ICSID Case No ARB/81/2) - Decision Rendered by the ad hoc Committee on the Application for Annulment Submitted by Klöckner against the Arbitral Award Rendered on October 21, 1983 (3 May 1985)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C127/DS13572_En.pdf

- * *Maritime International Nominees Establishment (MINE) v Government of Guinea (Guinea)* (ICSID Case No ARB/84/4) - Decision on the Application by Guinea for Partial Annulment of the Arbitral Award dated January 6, 1988 (22 December 1989)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C136/DC674_En.pdf

- * *Occidental Petroleum Corporation and Occidental Exploration and Production Company v The Republic of Ecuador* (ICSID Case No ARB/06/11) - Decision on Annulment of the Award (2 November 2015)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C80/DC6912_En.pdf

- * *Poštová Banka, A.S. and Istrokapital SE v The Hellenic Republic* (ICSID Case No ARB/13/8) - Decision on Poštová Banka's Application for Partial Annulment of the Award (29 September 2016)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C2823/DC9052_En.pdf

- * *Sempra Energy International v Argentine Republic* (ICSID Case No ARB/02/16) - Decision on the Argentine Republic's Application for Annulment of the Award (29 June 2010)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C8/DC1550_En.pdf

- * *Total S.A. v Argentine Republic* (ICSID Case No ARB/04/01) - Decision on Annulment (1 February 2016)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C30/DC7412_En.pdf

16.2 Manifest Excess of Powers

➤ Arbitration rules

- * Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) (1965)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

- * ICSID Rules of Procedure for Arbitration Proceedings (ICSID Arbitration Rules) (2006)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

➤ Awards, decisions, judgments and opinions

- * *CDC Group plc v Republic of Seychelles* (ICSID Case No ARB/02/14) - Decision of the Ad Hoc Committee on the Application for Annulment of the Republic of Seychelles (29 June 2005)

Available at:

<https://www.italaw.com/sites/default/files/case-documents/italaw6344.pdf>

- * *Compañía de Aguas del Aconquija S.A. and Vivendi Universal (formerly Compagnie Générale des Eaux) v Argentine Republic* (ICSID Case No ARB/97/3) - Decision on Annulment (3 July 2002)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C159/DC552_En.pdf
- * *Duke Energy International Peru Investments No 1 Limited v Republic of Peru* (ICSID Case No ARB/03/28) - Decision on Annulment (1 March 2011)
Available at:
<https://www.italaw.com/sites/default/files/case-documents/italaw9309.pdf>
- * *EDF International S.A., SAUR International S.A. and León Participaciones Argentinas S.A. v Argentine Republic* (ICSID Case No ARB/03/23) - Decision on Annulment (5 February 2016)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C23/DC7432_En.pdf
- * *Hussein Nuaman Soufraki v The United Arab Emirates* (ICSID Case No ARB/02/7) - Decision of the Ad Hoc Committee on the Application for Annulment of Mr Soufraki (5 June 2007)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C213/DC1553_En.pdf
- * *Ioan Micula, Viorel Micula, S.C. European Food S.A., S.C. Starmill S.R.L. and S.C. Multipack S.R.L. v Romania* (ICSID Case No ARB/05/20) - Decision on Annulment (26 February 2016)
Available at:
<https://www.italaw.com/sites/default/files/case-documents/italaw7161.pdf>
- * *Malicorp Limited v The Arab Republic of Egypt* (ICSID Case No ARB/08/18) - Decision on the Application for Annulment of Malicorp Limited (3 July 2013)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C461/DC3572_En.pdf
- * *Tenaris S.A. and Talta – Trading e Marketing Sociedade Unipessoal LDA v Bolivarian Republic of Venezuela* (ICSID Case No ARB/12/23) - Decision on Annulment (28 December 2018)
Available at:
<https://www.italaw.com/sites/default/files/case-documents/italaw10514.pdf>
- * *Total S.A. v Argentine Republic* (ICSID Case No ARB/04/01) - Decision on Annulment (1 February 2016)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C30/DC7412_En.pdf

16.3 Serious Departure from a Fundamental Rule of Procedure

➤ IIA and other treaties

- * Vienna Convention on the Law of Treaties (1969)

Available at:

<https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>

➤ Arbitration rules

- * Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) (1965)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

- * ICSID Rules of Procedure for Arbitration Proceedings (ICSID Arbitration Rules) (2006)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

➤ Awards, decisions, judgments and opinions

- * *CDC Group plc v Republic of Seychelles* (ICSID Case No ARB/02/14) - Decision of the Ad Hoc Committee on the Application for Annulment of the Republic of Seychelles (29 June 2005)

Available at:

<https://www.italaw.com/sites/default/files/case-documents/italaw6344.pdf>

- * *EDF International S.A., SAUR International S.A. and León Participaciones Argentinas S.A. v Argentine Republic* (ICSID Case No ARB/03/23) - Decision on Annulment (5 February 2016)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C23/DC7432_En.pdf

- * *Joseph Charles Lemire v Ukraine* (ICSID Case No ARB/06/18) - Decision on Ukraine's Application for Annulment of the Award (8 July 2013)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C87/DC4912_En.pdf

- * *Maritime International Nominees Establishment (MINE) v Government of Guinea (Guinea)* (ICSID Case No ARB/84/4) - Decision on the Application by Guinea for Partial Annulment of the Arbitral Award dated January 6, 1988 (22 December 1989)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C136/DC674_En.pdf

- * *OI European Group B.V. v Bolivarian Republic of Venezuela* (ICSID Case No ARB/11/25) - Decision on the Application for Annulment of the Bolivarian Republic of Venezuela (6 December 2018)

Available at:

<https://www.italaw.com/sites/default/files/case-documents/italaw10151.pdf>

- * *TECO Guatemala Holdings LLC v Republic of Guatemala* (ICSID Case No ARB/10/23) - Decision on Annulment (5 April 2016)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C1280/DC7814_En.pdf

- * *Wena Hotels Ltd v Arab Republic of Egypt* (ICSID Case No ARB/98/4) - Decision on the Application by the Arab Republic of Egypt for Annulment of the Arbitral Award dated December 8, 2000 (5 February 2002)

Available at:

<https://www.italaw.com/sites/default/files/case-documents/ita0903.pdf>

16.4 Failure to State the Reasons on Which the Award Is Based

➤ Arbitration rules

- * Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) (1965)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

- * ICSID Rules of Procedure for Arbitration Proceedings (ICSID Arbitration Rules) (2006)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

➤ Awards, decisions, judgments and opinions

- * *Adem Dogan v Turkmenistan* (ICSID Case No ARB/09/9) - Decision on Annulment (15 January 2016)

Available at:

<https://www.italaw.com/sites/default/files/case-documents/italaw7086.pdf>

- * *Antoine Abou Lahoud and Leila Bounafteh-Abou Lahoud v Democratic Republic of Congo* (ICSID Case No ARB/10/4) - Decision on the Application for Annulment by the Democratic Republic of Congo (29 March 2016)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C960/DC7792_Fr.pdf

- * *Compañía de Aguas del Aconquija S.A. and Vivendi Universal (formerly Compagnie Générale des Eaux) v Argentine Republic* (ICSID Case No ARB/97/3) - Decision on Annulment (3 July 2002)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C159/DC552_En.pdf
- * *Enron Corporation and Ponderosa Assets, L.P. v Argentine Republic* (ICSID Case No ARB/01/3) - Decision on the Application for Annulment of the Argentine Republic (30 July 2010)
Available at:
<https://www.italaw.com/sites/default/files/case-documents/ita0299.pdf>
- * *Impregilo S.p.A. v Argentine Republic* (ICSID Case No ARB/07/17) - Decision of the Ad Hoc Committee on the Application for Annulment (24 January 2014)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C109/DC4132_En.pdf
- * *Maritime International Nominees Establishment (MINE) v Government of Guinea (Guinea)* (ICSID Case No ARB/84/4) - Decision on the Application by Guinea for Partial Annulment of the Arbitral Award dated January 6, 1988 (22 December 1989)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C136/DC674_En.pdf
- * *Poštová Banka, A.S. and Istrokapital SE v The Hellenic Republic* (ICSID Case No ARB/13/8) - Decision on Poštová Banka's Application for Partial Annulment of the Award (29 September 2016)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C2823/DC9052_En.pdf
- * *Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S. v Republic of Kazakhstan* (ICSID Case No ARB/05/16) - Decision of the Ad Hoc Committee (25 March 2010)
Available at:
<https://www.italaw.com/sites/default/files/case-documents/ita0729.pdf>
- * *Standard Chartered Bank (Hong Kong) Limited v Tanzania Electric Supply Company Limited (Tanesco)* (ICSID Case No ARB/10/20) - Decision on the Application for Annulment (22 August 2018)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C1220/DS11410_En.pdf
- * *TECO Guatemala Holdings LLC v Republic of Guatemala* (ICSID Case No ARB/10/23) - Decision on Annulment (5 April 2016)
Available at:
http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C1280/DC7814_En.pdf

- * *Tidewater Investment SRL, Tidewater Caribe, C.A. v The Bolivarian Republic of Venezuela* (ICSID Case No ARB/10/5) - Decision on Annulment (27 December 2016)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C961/DC9692_En.pdf

- * *Tulip Real Estate Investment and Development Netherlands B.V. v Republic of Turkey* (ICSID Case No ARB/11/28) - Decision on Annulment (30 December 2015)

Available at:

<https://www.italaw.com/sites/default/files/case-documents/italaw7037.pdf>

16.5 Improper Constitution of the Tribunal and Corruption on the Part of a Member of the Tribunal

➤ Arbitration rules

- * Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) (1965)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

- * ICSID Rules of Procedure for Arbitration Proceedings (ICSID Arbitration Rules) (2006)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

➤ Awards, decisions, judgments and opinions

- * *Azurix Corp. v The Argentine Republic* (ICSID Case No ARB/01/12) - Decision on the Application for Annulment of the Argentine Republic (1 September 2009)

Available at:

http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C5/DC1171_En.pdf

- * *OI European Group B.V. v Bolivarian Republic of Venezuela* (ICSID Case No ARB/11/25) - Decision on the Application for Annulment of the Bolivarian Republic of Venezuela (6 December 2018)

Available at:

<https://www.italaw.com/sites/default/files/case-documents/italaw10151.pdf>