

Annex 1. Treaty-based arbitrations by Dutch investors  
(Draft, not for circulation, 8 April 2014)

No.	Full case title and case number (where available)	Year the case was initiated	Applicable legal instrument	Economic sector involved	Decisions rendered	Status/outcome of case
<b>Cases under Dutch bilateral investment treaties (BITs)</b>						
1	FEDAX N.V. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/96/3)	1996	Netherlands-Venezuela BIT	Financial services	Decision on Jurisdiction issued on 11 July 1997; Award issued on 9 March 1998	2 - in favour of investor
2	CME Czech Republic B.V. v. Czech Republic	2000	Czech Republic-Netherlands BIT	Media services	Partial Award issued on 13 September 2001; Final Award issued on 14 March 2003	2 - in favour of investor
3	Saluka Investments B.V. v. Czech Republic	2001	Czech Republic-Netherlands BIT	Financial services (banking)	Decision on Jurisdiction over the Czech Republic's Counterclaim on 7 May 2004; Partial Award on 17 March 2006	3 - settled
4	Aguas del Tunari, S.A. v. Bolivia (ICSID Case No. ARB/02/3)	2002	Bolivia-Netherlands BIT	Supply of water	Decision on Jurisdiction issued on 21 October 2005	3 - settled
5	Eureko B.V. v. Republic of Poland	2003	Netherlands-Poland BIT	Financial services (insurance)	Partial Award issued on 19 August 2005	3 - settled
6	Trinh Vinh Binh and Binh Chau Joint stock Company v. The Socialist Republic of Vietnam	2004	Netherlands-Viet Nam BIT	Real estate services	N/A	3 - settled
7	Eastern Sugar B.V. v. Czech Republic	2004	Czech Republic-Netherlands BIT	Manufacture of food products	Partial Award issued on 27 March 2007; Final Award issued on 12 April 2007	2 - in favour of investor
8	Offshore Power Production C.V., Travamark Two B.V., EFS India-Energy B.V., Enron B.V., and Indian Power Investments B.V. (Netherlands) v. Republic of India	2004	India-Netherlands BIT	Supply of electricity	N/A	3 - settled
9	ABN Amro N.V. v. Republic of India	2004	India-Netherlands BIT	Financial services (banking)	N/A	3 - settled
10	Interbrew Central European Holding B.V. v. Republic of Slovenia (ICSID Case No. ARB/04/17)	2004	Netherlands-Slovenia BIT	Manufacture of beverages	N/A	3 - settled; Order by the Tribunal taking note of the discontinuance pursuant to Arbitration Rule 44 issued by the Tribunal on 18 July 2005
11	K+ Venture Partners v. Czech Republic	2005	Czech Republic-Netherlands BIT	Financial services	N/A	3 - settled
12	Mittal Steel Company v. Czech Republic	2005	Czech Republic-Netherlands BIT	Manufacture of metals	N/A	3 - settled
13	TSA Spectrum de Argentina S.A. v. Argentine Republic (ICSID Case No. ARB/05/5)	2005	Argentina-Netherlands BIT	Telecommunications	Award issued on 19 December 2008	1 - tribunal declined jurisdiction
14	I&I Beheer B.V. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/05/4)	2005	Netherlands-Venezuela BIT	Financial services	N/A	6 - discontinued
15	Bernardus Henricus Funnekotter and others v. Republic of Zimbabwe (ICSID Case No. ARB/05/6)	2005	Netherlands-Zimbabwe BIT	Agriculture	Award issued on 22 April 2009	2 - in favour of investor
16	Rail World Estonia LLC, Railroad Development Corporation and EEIF Rail BV v. Republic of Estonia (ICSID Case No. ARB/06/6)	2006	Estonia-Netherlands BIT and Estonia-United States BIT	Civil engineering	N/A	6 - discontinued for reasons other than settlement; Tribunal issued order of discontinuance on 5 February 2007

Annex 1. Treaty-based arbitrations by Dutch investors  
(Draft, not for circulation, 8 April 2014)

No.	Full case title and case number (where available)	Year the case was initiated	Applicable legal instrument	Economic sector involved	Decisions rendered	Status/outcome of case
17	Shell Brands International AG and Shell Nicaragua S.A. v. Republic of Nicaragua (ICSID Case No. ARB/06/14)	2006	Netherlands-Nicaragua BIT	Extraction of crude petroleum and natural gas	N/A	3 - settled; Secretary-General issued order taking note of the discontinuance of the proceeding pursuant to Arbitration Rule 44 on 12 March 2007
18	The Rompetrol Group N.V. v. Romania (ICSID Case No. ARB/06/3)	2006	Netherlands-Romania BIT	Oil refining	Decision on Jurisdiction issued on 18 April 2008; Decision of the Tribunal on the Participation of Counsel issued on 14 January 2010; Award issued on 6 May 2013	Tribunal found breach of the BIT but did not award compensation (neither Claimant nor Respondent won)
19	Jan Oostergetel and Theodora Laurentius v. The Slovak Republic	2006	Netherlands-Slovak Republic BIT	Manufacture of textiles	Decision on Jurisdiction issued on 30 April 2010; Final Award issued on 23 April 2012	1 - in favour of the state
20	Invesmart v. Czech Republic	2007	Czech Republic-Netherlands BIT	Financial services	Award issued on 3 July 2009 (not public)	1 - in favour of the state
21	E.T.I. Euro Telecom International N.V. v. Republic of Bolivia (Case No. ARB/07/28)	2007	Bolivia-Netherlands BIT	Telecommunications	N/A	6 - discontinued (for reasons other than settlement); Order taking note of discontinuance issued by Tribunal on 21 October 2009.
22	Shell Nigeria Ultra Deep Limited v. Federal Republic of Nigeria (ICSID Case No. ARB/07/18)	2007	Netherlands-Nigeria BIT	Extraction of crude petroleum and natural gas	Tribunal issues an order taking note of the discontinuance of the proceeding on 1 August 2011	3 - settled
23	Bureau Veritas, Inspection, Valuation, Assessment and Control, BIVAC B.V. v. Republic of Paraguay (ICSID Case No. ARB/07/9)	2007	Netherlands-Paraguay BIT	Pre-shipment inspection services	Decision on Jurisdiction issued on 29 May 2009; Further Decision on Jurisdiction issued on 9 October 2012	4 - pending (suspended)
24	Saba Fakes v. Republic of Turkey (ICSID Case No. ARB/07/20)	2007	Netherlands-Turkey BIT	Telecommunications	Award issued on 14 July 2010	1 - tribunal declined jurisdiction
25	Eni Dación B.V. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/07/4)	2007	Netherlands-Venezuela BIT	Extraction of crude petroleum and natural gas	N/A	3 - settled
26	Mobil Corporation, Venezuela Holdings, B.V., Mobil Cerro Negro Holding, Ltd., Mobil Venezolana de Petróleos Holdings, Inc., Mobil Cerro Negro, Ltd., and Mobil Venezolana de Petróleos, Inc. v. Bolivarian Republic of Venezuela (Case No. ARB/07/27)	2007	Netherlands-Venezuela BIT	Extraction of crude petroleum and natural gas	Decision on Jurisdiction issued on 10 June 2010	4 - pending
27	ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V. and ConocoPhillips Gulf of Paria B.V. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/07/30)	2007	Netherlands-Venezuela BIT	Extraction of crude petroleum and natural gas	Decision on Jurisdiction and Merits issued on 3 September 2013	4 - pending
28	Itera International Energy LLC and Itera Group NV v. Georgia (ICSID Case No. ARB/08/7)	2008	United States-Georgia BIT and Netherlands-Georgia BIT	Manufacture of fertilizers	Decision on the Admissibility of ancillary claims issued on 4 December 2009	3 - settled

Annex 1. Treaty-based arbitrations by Dutch investors  
(Draft, not for circulation, 8 April 2014)

No.	Full case title and case number (where available)	Year the case was initiated	Applicable legal instrument	Economic sector involved	Decisions rendered	Status/outcome of case
29	CEMEX Caracas Investments B.V. and CEMEX Caracas II Investments B.V. v. Republic of Venezuela (ICSID Case No. ARB/08/15)	2008	Netherlands-Venezuela BIT	Manufacture of cement	Decision on Proposal for Disqualification of an Arbitrator issued on 6 November 2009; Decision on Provisional Measures issued on 3 March 2010; Decision on Jurisdiction issued on 30 December 2010	3 - settled
30	Millicom International Operations B.V. et al v. Senegal (ICSID Case No. ARB/08/20)	2008	Senegal-Netherlands BIT	Telecommunications	Decision on the Application for Provisional Measures issued on 9 December 2009; Decision on Jurisdiction issued on 16 July 2010	3 - settled; Award embodying settlement issued on 27 November 2012 (not public)
31	HICEE B.V. v. Slovak Republic (PCA Case No. 2009-11)	2008	Netherlands-Slovak Republic BIT	Financial services (insurance)	Partial Award on 23 May 2011; Dissenting Opinion of Charles N. Brower on 23 May 2011; Supplementary and Final Award issued on 17 October 2011	1 - tribunal declined jurisdiction
32	Holcim Limited, Holderfin B.V. and Caricement B.V. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/09/3)	2009	Venezuela-Netherlands BIT	Manufacture of cement	N/A	4 - pending while waiting for settlement to be paid out
33	KT Asia Investment Group B.V. v. Republic of Kazakhstan (ICSID Case No. ARB/09/8)	2009	Kazakhstan-Netherlands BIT	Financial services (banking)	Award issued on 17 October 2013	1 - tribunal declined jurisdiction
34	Achmea B.V. v. Slovak Republic (formerly Eureko v. Slovak Republic) (PCA Case No. 2008-13)	2009	Netherlands-Slovak Republic BIT	Financial services (insurance)	Award on Jurisdiction, Arbitrability and Suspension issued on 26 October 2010; Award issued on 7 December 2012 (not public); Preliminary Decision of the German Federal Supreme Court of 19 September 2013	2 - in favour of investor
35	E.T.I. Euro Telecom International N.V. v. Republic of Bolivia	2009	Bolivia-Netherlands BIT	Telecommunications	N/A	4 - pending
36	Itera International Energy LLC and Itera Group NV v. Georgia (ICSID Case No. ARB/09/22)	2009	United States-Georgia BIT and Netherlands-Georgia BIT	Electricity, gas, steam and air conditioning supply	Order taking note of the discontinuance of the proceeding pursuant to Arbitration Rule 43(1) issued on 19 November 2010	3 - settled
37	Highbury International A/V and Ramstein Trading Inc. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/11/1)	2011	Netherlands-Venezuela BIT	Mining	Award issued on 26 September 2013 (not public)	1 - tribunal declined jurisdiction
38	Longreef Investments A.V.V. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/11/5)	2011	Netherlands-Venezuela BIT	Manufacture of food products	N/A	4 - pending
39	The Williams Companies, International Holdings B.V., WilPro Energy Services (El Furrial) Limited and WilPro Energy Services (Pigap II) Limited v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/11/10)	2011	Netherlands-Venezuela BIT	Extraction of crude petroleum and natural gas	N/A	4 - pending (suspended)
40	OI European Group B.V. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/11/25)	2011	Netherlands-Venezuela BIT	Other manufacturing	Decision on provisional measures issued on 26 November 2013	4 - pending

Annex 1. Treaty-based arbitrations by Dutch investors  
(Draft, not for circulation, 8 April 2014)

No.	Full case title and case number (where available)	Year the case was initiated	Applicable legal instrument	Economic sector involved	Decisions rendered	Status/outcome of case
41	Tulip Real Estate Investment and Development Netherlands B.V. v. Republic of Turkey (ICSID Case No. ARB/11/28)	2011	Netherlands-Turkey BIT	Construction	Decision on the Respondent's Request for Bifurcation issued on 2 November 2012; Decision on Bifurcated Jurisdictional Issue issued on 5 March 2013	4 - pending
42	Emmis International Holding B.V., Emmis Radio Operating B.V., MEM Magyar Electronic Media Kereskedelmi Szolgáltató Kft. v. Hungary (ICSID Case No. ARB/12/2)	2012	Hungary-Netherlands BIT and Hungary-Switzerland BIT	Programming and broadcasting activities	Decision on Respondent's Objection Under ICSID Arbitration Rule 41(5) issued on 11 March 2013; Decision on Respondent's Application for Bifurcation issued on 13 July 2013	4 - pending
43	Novera AD, Novera Properties B.V. and Novera Properties N.V. v. Republic of Bulgaria (ICSID Case No. ARB/12/16)	2012	Netherlands-Bulgaria BIT	Waste collection, treatment and disposal activities	N/A	4 - pending
44	Fábrica de Vidrios Los Andes, C.A. and Owens-Illinois de Venezuela, C.A. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/12/21)	2012	Netherlands-Venezuela BIT	Manufacture of glass	N/A	4 - pending
45	Venoklim Holding B.V. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/12/22)	2012	Netherlands-Venezuela BIT	Manufacture of coke and refined petroleum products	N/A	4 - pending
46	Lao Holdings N.V. v. Lao People's Democratic Republic (ICSID Case No. ARB(AF)/12/6)	2012	Laos-Netherlands BIT	Gambling and betting activities	Decision on Provisional Measures issued on 17 September 2013 (not public)	4 - pending
47	Guardian Fiduciary Trust, Ltd, f/k/a Capital Conservator Savings & Loan, Ltd v. Macedonia, former Yugoslav Republic of (ICSID Case No. ARB/12/31)	2012	Macedonia-Netherlands BIT	Financial services	N/A	4 - pending
48	MNSS B.V. and Recupero Credito Acciaio N.V. v. Montenegro (ICSID Case No. ARB(AF)/12/8)	2012	Montenegro-Netherlands BIT; and Montenegrin Foreign Investment Law	Manufacture of basic metals	N/A	4 - pending
49	Spentex Netherlands, B.V. v. Republic of Uzbekistan (ICSID Case No. ARB/13/26)	2013	Netherlands-Uzbekistan BIT; Uzbek foreign investment law; and investment contract	Manufacture of textiles		4 - pending
50	Natland Investment Group N.V., Natland Group Limited, G.I.H.G. Limited, and Radiance Energy Holding S.A.R.L. v. The Czech Republic	2013	Czech Republic-Netherlands BIT and the Energy Charter Treaty	Electricity supply (renewable energy)		4 - pending
51	U.S. Steel Global Holdings I B.V. (The Netherlands) v. The Slovak Republic (UNCITRAL)	2013	Netherlands-Slovak Republic BIT	Manufacture of basic metals		4 - pending
52	Achmea v. Slovak Republic II	2013	Netherlands-Slovak Republic BIT	Financial services (insurance)		4 - pending
<b>Cases under the Energy Charter Treaty</b>						
1	Azpetrol International Holdings B.V., Azpetrol Group B.V. and Azpetrol Oil Services Group B.V. v. Republic of Azerbaijan (ICSID Case No. ARB/06/15)	2006	Energy Charter Treaty	Electricity, gas, steam and air conditioning supply	Award on 8 September 2009	1 - tribunal declined jurisdiction
2	Liman Caspian Oil BV and NCL Dutch Investment BV v. Republic of Kazakhstan (ICSID Case No. ARB/07/14)	2007	Energy Charter Treaty	Extraction of crude petroleum and natural gas	Award issued on 22 June 2010	1 - in favour of the state

Annex 1. Treaty-based arbitrations by Dutch investors  
(Draft, not for circulation, 8 April 2014)

No.	Full case title and case number (where available)	Year the case was initiated	Applicable legal instrument	Economic sector involved	Decisions rendered	Status/outcome of case
3	Alapli Elektrik B.V. v. Republic of Turkey (ICSID Case No. ARB/08/13)	2008	Energy Charter Treaty	Electricity supply	Award issued on 16 July 2012 (not public); Dissenting Opinion of Marc Lalonde	1 - tribunal declined jurisdiction
4	AES Corporation and Tau Power B.V. v. Republic of Kazakhstan (ICSID Case No. ARB/10/16)	2010	Kazakhstan-US BIT and Energy Charter Treaty	Electricity supply	Award of 2013 (not public, precise date unknown)	1 - in favour of the state
5	Kahn Resources Inc, Khan Resources B.V., Cauc Holding Company Ltd. V. the Government of Mongolia and Monatom Co., Ltd	2011	Energy Charter Treaty; Mongolian Foreign Investment Law; and CAUC Founding Agreement	Mining	Decision on Jurisdiction (not public) issued on 25 July 2012	4 - pending
6	Slovak Gas Holding BV, GDF International SAS and E.ON Ruhrgas International GmbH v. Slovak Republic (ICSID Case No. ARB/12/7)	2012	Energy Charter Treaty	Electricity, gas, steam and air conditioning supply	N/A	3 - settled, Award Embodying Settlement Agreement issued on 19 March 2013
7	Antin Infrastructure Services Luxembourg S.à.r.l. and Antin Energia Termosolar B.V. v. Kingdom of Spain (ICSID Case No. ARB/13/31)	2013	Energy Charter Treaty	Electricity supply (renewable energy)		4 - pending
8	Isolux v. Kingdom of Spain (Stockholm Chamber of Commerce)	2013	Energy Charter Treaty	Electricity supply (renewable energy)		4 - pending
9	Charanne and Construction Investments v. Kingdom of Spain (Stockholm Chamber of Commerce)	2013	Energy Charter Treaty	Electricity supply (renewable energy)		4 - pending