



**IN THE MATTER OF THE ARBITRATION (INTERNATIONAL INVESTMENT
DISPUTES) ACT 1966**

**AND IN THE MATTER OF AN ARBITRATION BETWEEN THE BELOW PARTIES
PURSUANT TO THE CONVENTION ON THE SETTLEMENT OF INVESTMENT
DISPUTES BETWEEN STATES AND NATIONALS OF OTHER STATES** CL-2021-000362

Claim No. CL-2021-000362

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
COMMERCIAL COURT (QUEEN'S BENCH DIVISION)
Before Master Cook**

B E T W E E N :

(1) INFRASTRUCTURE SERVICES LUXEMBOURG S.À.R.L.

(formerly Antin Infrastructure Services Luxembourg S.à.r.l.)

(2) ENERGIA TERMOSOLAR B.V.

(formerly Antin Energia Termosolar B.V.)

Claimants / Judgment Creditors / Applicants

-and-

THE KINGDOM OF SPAIN

Defendant / Judgment Debtor

-and-

**THE LONDON STEAM-SHIP OWNERS' MUTUAL
INSURANCE ASSOCIATION LIMITED**

Third Party

INTERIM THIRD-PARTY DEBT ORDER

UPON the order of Mrs Justice Cockerill dated 29 June 2021 (the “**Registration Order**”) registering the award of the arbitral tribunal dated 15 June 2018 in ICSID Case No. ARB/13/31 (as subsequently rectified by the tribunal’s Decision on Rectification of the Award dated 29 January 2019) (the “**Award**”) as if it had been a judgment of the High Court, pursuant to section 1(2) of the Arbitration (International Investment Disputes) Act 1966.

AND UPON the Claimants having served the 2021 Registration Order in accordance with section 12(1) of the State Immunity Act 1978 via the Foreign, Commonwealth and Development Office on the Defendant on 21 October 2021.

AND UPON the Claimants' application for an Interim Third-Party Debt Order dated 12 July 2022 (the "**Application**").

AND UPON reading the second witness statement of Erika Saluzzo dated 12 July 2022.

ON 26 July 2022 the Master considered the Application of the Claimants (the "**Judgment Creditors**"), from which it appears that:

- a) there is an amount owing by the Defendant (the "**Judgment Debtor**") to the Judgment Creditors under the Registration Order of Mrs Justice Cockerill dated 29 June 2021 in claim no. CL-2021-000362; and
- b) there is a debt due or accruing due by the Third Party to the Judgment Debtor in the form of a judgment debt registered by the Defendant against the Third Party pursuant to the order of Master Cook dated 28 May 2019.

AND IT IS ORDERED that:

1. The Application will be heard in the Commercial Court on a date to be fixed no earlier than 28 days after the final determination of any appeal of or other challenge to the order of Master Cook dated 28 May 2019 (or, in the event that no such appeal or challenge is made, 28 days after the date of this order), when a judge will decide whether a final third party debt order should be made (the "**Final Order Hearing**").
2. The Parties are at liberty to apply for an earlier listing of the Final Order Hearing in the event there is no pending appeal or other challenge to the judgment before the English Court, or any appeal or challenge is otherwise resolved.
3. Until the Final Order Hearing the Third Party must not, unless the court orders otherwise, pay to the Judgment Debtor, or to any other person, any sum of money due or accruing due by the third party to the judgment debtor, except for any part of that sum which exceeds the total shown below.

Amount now owing under the Registration Order	EUR 120,083,287.88
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4. This interim order does not authorise the Third Party to pay any money to the Judgment Creditor at this stage.
5. If the Third-Party claims to owe the Judgment Debtor no money or less money than the total shown above, the Third Party must tell the Court and the Judgment Creditor within 7 days of receiving this order.

6. If a final Third-Party debt order is made at the Final Order Hearing, it will require the Third Party to pay direct to the judgment creditor some or all of the money which the Third Party owes to the Judgment Debtor.
7. This Order having been made without hearing the Defendant or Third Party or giving them an opportunity to make representations, any party affected may apply to vary or set aside this order providing any such application is issued by no later than 4pm 7 days after service of this order on the party making the application.
8. The Defendant, being a sovereign state, is provided a further 2 months from the date in paragraph 7 above, in which it may apply to vary or set aside this order after service.
9. Costs reserved to the hearing to be listed in accordance with paragraph 1 above.

PARTY DETAILS

The Judgment Creditors

Name: INFRASTRUCTURE SERVICES LUXEMBOURG S.À.R.L.
ENERGIA TERMOSOLAR B.V.

Address for Service: Kobre & Kim (UK) LLC, Tower 42 (15th Floor), 25 Old Broad Street,
London, United Kingdom

Postcode: EC2N 1HQ

Reference: 05939.001

Telephone: +44 (0) 20 3301 5708

The Judgment Debtor

Name: THE KINGDOM OF SPAIN

Address for Service: Simmons & Simmons LLP, CityPoint, One Ropemaker Street, London,
United Kingdom

Postcode: EC2Y 9SS

Reference: 122097-00003

Telephone: +44 (0) 20 7628 2020

The Third Party

Name: THE LONDON STEAM-SHIP OWNERS' MUTUAL INSURANCE
ASSOCIATION LIMITED

Address for Service: 50 Lemn Street, London, United Kingdom

Postcode: E1 8HQ

Reference: TBC

Telephone: +44 (0)20 7772 8000

DATED this the 26TH day July 2022