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Honorable Colleen Kollar-Kotelly
U.S. District Court for the District of Columbia
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By ECF

Date
May 30 2024

Re: *CEF Energia, B.V. v. The Italian Republic*, 19-cv-03443-CKK

Dear Judge Kollar-Kotelly,

On behalf of respondent the Italian Republic (“Italy”), we write pursuant to the Court’s order dated July 23, 2020 (ECF No. 45, the “Order”), which stayed the above-captioned action pending the decision of the Svea Court of Appeal in Sweden (the “Svea Court”) regarding whether to set aside the arbitration awards that petitioners seek to confirm in this consolidated action (ECF No. 1-1, Ex. A, the “CEF Energia Award”, and Case No. 19-cv-03444, ECF No. 1-1, at 22, the “Greentech Award”).

On May 27, 2024, the Svea Court issued a judgment annulling the CEF Energia Award and ordering petitioner CEF Energia, B.V. (“CEF Energia”) to pay the costs incurred by Italy in the proceeding. The Svea Court declared the CEF Energia Award invalid because it concluded that the arbitration was held pursuant to an arbitration clause in the Energy Charter Treaty which is incompatible with the laws of the European Union. The Svea Court explained that upholding the arbitral award would be clearly incompatible with the basic principles of the Swedish legal system. We will submit a certified translation of the Svea Court’s judgment as soon as possible.

The Svea Court has not yet issued a judgment with respect to the Greentech Award. However, we expect that award will be declared invalid for the same reasons, as the Greentech arbitration was conducted pursuant to the same clause in the Energy Charter Treaty. Indeed, as this Court previously recognized, the two cases concern similar facts and involve identical legal issues (see Minute Order dated December 13, 2019). We will promptly notify the Court when we receive the Svea Court’s judgment in the Greentech matter, at which point we expect that we will ask the Court to dismiss both petitions in light of the invalidity of the underlying awards.

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Letter to
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Respectfully submitted,

/s/ Christian Leathley _____

Christian Leathley
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