

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Blasket Renewable Investments, LLC,

*Petitioner,*

v.

Kingdom of Spain,

*Respondent.*

Civil Action No. 1:23-cv-02701

**DECLARATION OF STAN BRIJS**

STAN BRIJS declares:

1. I am a partner of the law firm NautaDutilh, counsel for Respondent Kingdom of Spain in enforcement proceedings in Belgium related to the ICSID award rendered in favor of JGC Holdings Corporation, the same award that is at issue in the above-captioned action. I am a member of the bar of Brussels (Belgium).

2. I submit this declaration in support of Spain's Opposition to Petitioner Blasket Renewable Investments, LLC's Motion for Relief Pursuant to 28 U.S.C. § 1610(c) and 28 U.S.C. § 1963, or in the alternative, Cross-Motion to Stay Execution of the Judgment. I make this declaration based on personal knowledge of the facts herein.

3. In 2024, Blasket commenced *ex parte* proceedings in Belgium to enforce the ICSID award rendered in favor of JGC Holdings Corporation.

4. On 22 February 2024, Blasket requested a declaration of enforceability of the award in Belgium, pursuant to the law of 17 July 1970 approving the ICSID Convention. The Belgian Ministry of Justice confirmed the authenticity of the award on 13 March 2024 and the Chief Clerk of the Brussels Court of Appeals confirmed enforceability of the award on 6 May

2024, and of the decision of the ICSID *ad hoc* committee denying annulment of the award on 16 May 2024.

5. On 31 May 2024, Blasket filed an *ex parte* petition with the Brussels Court of First Instance in Belgium, seeking authorization to attach funds held by the European Organization for the Safety of Air Navigation (“Eurocontrol”) owed to Enaire E.P.E., Spain’s national air navigation service provider. Blasket’s application was initially rejected in a decision of 6 June 2024 by the Brussels Court of First Instance, but it was appealed to the Brussels Court of Appeals.

6. On 18 June 2024, the Brussels Court of Appeals authorized *ex parte* the attachment of the funds in the hands of Eurocontrol in aid of enforcing the award, in the amount of €30,370,513.08, \$623,737.08 and JPY 25,260,284.40, plus interest calculated monthly at an annual rate of 1.6% as of the date of the award until payment, plus €387,292.68 at JPY 2,007,600.00. (“the Authorization Decision”).

7. On 9 July 2024, Blasket executed the attachment order by serving it on Eurocontrol. Only after service of the attachment order was Spain notified of the attachment and the Authorization Decision on 15 July 2024.

8. Once Spain was notified of the enforcement proceedings, Spain filed two challenges to the attachment. The first was an opposition proceeding (“Opposition Proceeding”) with the Brussels Court of First Instance, which stays enforcement of the attachment, and the second was a third party opposition proceeding (“Third Party Proceeding”) with the Court of Appeals against the Authorization Decision, which does not stay the enforcement of this decision by itself but can be grounds for the attachment judge to grant a stay. The substantive arguments invoked by Spain in these proceedings include amongst others that the enforcement of the award violates European law on illegal state aid.

9. On 7 February 2025, the judge in the Opposition Proceeding decided that Spain's opposition was inadmissible on procedural grounds and hence did not rule on the merits of Spain's objections against the enforcement of the award. The judge found that because the arguments raised by Spain were also raised in the Third Party Proceeding (and did not include arguments solely related to the procedural regularity of the attachment). Spain appealed this 7 February 2025 decision on 17 February 2025, which appeal is currently pending.

10. The Third Party Proceeding against the Authorization Decision also remains pending, and the procedural calendar in this proceeding is set towards the end of 2026.

11. On 13 August 2024, in order to terminate the freezing of an increasing amount of funds held by Eurocontrol as a result of Blasket's attachment, Spain deposited with the bailiff appointed by Blasket the amount of €32,954,296.00, being the amount allegedly due by Spain to Blasket in principal, interest and costs. A true and correct copy of the original formal statement by the bailiff confirming receipt of €32,954,296.00 in the original Dutch language and an English translation are annexed hereto as Exhibit A. I certify that the translation is a true, accurate and complete translation from Dutch into English. In conformity with Belgian enforcement law, the bailiff in turn deposited the amount with the public bank designated by law for this purpose, called the *Belgian Caisse des Dépôts et Consignations* ("Caisse des Dépôts"). This is a public bank, part of the Ministry of Finance.

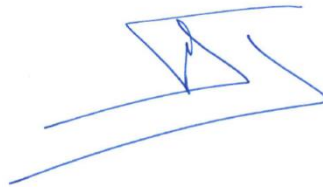
12. While Spain's appeals of the attachment and Authorization Decision are pending, the sum of €32,954,296 is thus being held in an escrow account outside Spain's control and under the authority of the bailiff for the exclusive benefit of Blasket as full satisfaction of the award. Under Belgian law the funds may only be withdrawn by the bailiff from the Caisse des Dépôts (i) with the agreement of the debtor or (ii) by virtue of a decision by a judge that is no longer subject to ordinary appeal. Thus, Blasket will receive the entire amount of the account in

full satisfaction of the award under Belgian law in case Spain is ultimately unsuccessful in its challenges of the attachment or the Authorization Decision.

13. For the sake of completeness, I point out that it is conceivable under Belgian law that Blasket could obtain at some stage an enforceable decision in relation to the pending appeal(s) resulting in the release of the funds to Blasket, even if the pending appeals introduced by Spain are not all finally and definitively decided. However, if in the end Spain prevails on its appeal(s), Blasket would have to return the funds it received to Spain.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 25, 2025  
Brussels, Belgium



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STAN BRIJS