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JUDGE KAPLAN'S CHAMBERS

Kaplan, J.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In the Matter of the Application of

EISER INFRASTRUCTURE LIMITED and
ENERGIA SOLAR LUXEMBOURG S.À R.L.,

Petitioners,

For Recognition and Enforcement of an
Arbitration Award

- against -

KINGDOM OF SPAIN,

Respondent.

Civil Action No.
17-CV-3808 (LAK)

**[PROPOSED] ORDER
AND JUDGMENT**

WHEREAS EISER Infrastructure Limited and Energia Solar Luxembourg S.à r.l. (collectively "Petitioners") obtained an arbitration award from the International Centre for Settlement of Investment Disputes ("ICSID") against Respondent, the Kingdom of Spain ("Spain"), ICSID Case No. ARB/13/36 (the "Award"), certified on May 4, 2017;

WHEREAS Spain is required under the terms of the Award to pay Petitioners 128 million Euro, together with interest from June 20, 2014 to May 4, 2017 at the rate of 2.07%, compounded monthly, and interest from May 4, 2017 to the date of payment at the rate of 2.50%, compounded monthly;

WHEREAS Petitioners commenced this proceeding by filing an *Ex Parte* Petition to Recognize ICSID Arbitration Award Pursuant to 22 U.S.C. § 1650a (the "Petition"), dated May 19, 2017; and

WHEREAS Petitioners have complied with the requirements set forth in New York Civil Practice Laws and Rules, §§ 5401 et seq., for recognition of judgments entitled to full faith and credit;

IT IS ORDERED, ADJUDGED, and DECREED that Petitioners' Petition is GRANTED; and it is further ORDERED that:

- a. The pecuniary obligations in the Award in favor of EISER Infrastructure Limited and Energia Solar Luxembourg S.à r.l. and against Spain, shall be recognized and entered as a judgment by the Clerk of this Court in the same manner and with the same force and effect as if the Award were a final judgment of this Court, as authorized by 22 U.S.C. § 1650a and Article 54 of the ICSID Convention; and
- b. In accordance with the pecuniary obligations contained in the Award, Spain shall pay to Petitioners the sum of 128 million Euro, together with interest from June 20, 2014 to May 4, 2017 at the rate of 2.07%, compounded monthly, and interest from May 4, 2017 to the date of payment at the rate of 2.50%, compounded monthly.

SO ORDERED.

Dated: June 27, 2017.


United States District Court

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