



Insights

Kobre & Kim's International Enforcement Judgment Featured Among Commercial Dispute Resolution's Top 2023 Cases

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An English High Court judgment on state immunity and international arbitration, obtained in May 2023 by Kobre & Kim on behalf of two investors, was featured among the top global cases of 2023 in *Commercial Dispute Resolution's* year in review.

The decision in *Infrastructure Services Luxembourg v Kingdom of Spain*, argued by Kobre & Kim's Richard Clarke and Nick Cherryman alongside Patrick Green KC of Henderson Chambers, saw the court dismiss Spain's arguments of sovereign immunity in the country's challenge to the recognition of an International Centre for Settlement of Investment Disputes (ICSID) award for breaches of the Energy Charter Treaty.

As *Commercial Dispute Resolution* notes, the ruling "brought clarity to a longstanding global legal debate regarding the validity of intra-EU arbitration awards, in light of the Court of Justice of the European Union's (CJEU) decisions in the *Achmea* and *Komstroy* cases." External practitioners told the publication that the decision could help London "consolidate its place at the top table of international dispute resolution," and "applicants are going to struggle to resist enforcement in England and Wales" when there is a valid and authentic award against them. This is notable as the global clean energy transition portends a likely increase in state-investor energy disputes.

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