# Table of cases

(N.B. Cases not included in text (and having no page references) but used in research are listed separately under individual main headings as appropriate)

## AD HOC ARBITRAL TRIBUNALS

*Agreement between the Kingdom of the Netherlands and the Republic of Poland on Encouragement and Reciprocal Protection of Investment between Eureko B.V. and Republic of Poland* ................................................................. 139, 166

## AUSTRALIAN CASE LAW

*JT International SA v. Commonwealth* ............................................................... 204

## CANADIAN CASE LAW

*R. v. Tener* ........................................................................................................... 63

## COURT OF JUSTICE OF THE EUROPEAN UNION

*Boehringer Ingelheim v. Swingward I* ................................................................. 73

## EUROPEAN COURT OF HUMAN RIGHTS

*Anheuser-Busch Inc. v. Portugal* ........................................................................ 17

## FRANCO-MEXICAN COMMISSION

*George Pinson (France) v. United Mexican States* ........................................... 12

## ICSID ARBITRAL DECISIONS

*ADF Group Inc. v. United States of America* .................................................... 103

*AES Summit Generation Limited AES-Tisza Erőmű KFT v. The Republic of Hungary* ................................................................. 214
Ambiente Ufficio S.P.A. and Others v. The Argentine Republic .......................... 30
American Manufacturing & Trading, Inc. v. Republic of Zaire ....................... 165
Antoine Goetz et consorts v. République du Burundi ..................................... 58
Aptex Holdings Inc. and Aptex Inc. v. United States of America .................... 220
Aguas del Tunari v. Republic of Bolivia .......................................................... 25
Asian Agricultural Products Ltd. (AAPL) v. Republic of Sri Lanka ............... 105, 166
Azurix Corp. v. The Argentine Republic .......................................................... 108, 163
Bayview Irrigation District et al. v. United Mexican States ............................. 28
Bivater Gauff (Tanzania) Ltd. v. United Republic of Tanzania ....................... 23
Camuzzi International S.A. v. The Argentine Republic .................................... 19
Ceskoslovenka Obchodni Banka (CSOB), A.S. v. The Slovak Republic ........... 25, 29, 148
Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. v. Argentine Republic .......................................................... 43, 107–8
Compañía del Desarrollo de Santa Elena, S.A. v. The Republic of Costa Rica ............................................................................ 40, 41, 43
Consortium Groupement LESI-DIPENTA v. People’s Democratic Republic of Algeria ........................................................................ 29
Emilio Agustín Maffezini v. The Kingdom of Spain ....................................... 95–6
Generation Ukraine, Inc. v. Ukraine ............................................................... 40
Fedax N.V. v. The Republic of Venezuela ......................................................... 24, 29
Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines ............................................................................. 31
FTR Holding S.A. (Switzerland), Philip Morris Products S.A. (Switzerland) and Abal Hermanos S.A. (Uruguay) v. Oriental Republic of Uruguay 202
Inceysa Vallisoletana S.L. v. Republic of El Salvador .................................... 31
Joy Mining Machinery Limited v. The Arab Republic of Egypt ...................... 137
Klöckner v. Republic of Cameroon .................................................................. 32
Malaysian Historical Salvors Sdn, Bhd v. The Government of Malaysia ........ 24, 209
Marvin Feldman v. Mexico .............................................................................. 46
Metalclad Corporation v. United Mexican States .......................................... 42
Mondev International Ltd. v. United States of America .................................. 102
Noble Ventures Inc. v. Romania ...................................................................... 166, 219
Pan American Energy LLC, and BP Argentina Exploration Company v. The Argentine republic .......................................................... 138
Philip Morris Asia Limited (Claimant) and the Commonwealth of Australia (Respondent) 205, ................................................................. 206
PSEG Global Inc. and Konya Ilgin Elektrik Üretim ve Ticaret Limited Sirketi v. Republic of Turkey ......................................................... 102, 164
Robert Azinian, Kenneth Davitian, & Ellen Baca v. The United Mexican State ...................................................................................... 68
Rumeli Telekom A.S. and Telsim Mobil Telekomuksayon Hizmetleri A.S. v. Republic of Kazakhstan ...................................................... 168
Salini et al. v. Morocco ..................................................................................... 15, 23, 209
Table of cases

SGS Société Générale de Surveillance S.A. v. Islamic Republic of Pakistan .................................................................29, 136–7
SGS Société Générale de Surveillance S.A. v. The Republic of Paraguay ........ 138
SGS Société Générale de Surveillance S.A. v. Republic of the Philippines ... 29, 137
Shell Brand International A.G. and Shell Nicaragua S.A. v. Republic of
Nicaragua .................................................................................194–200
Siemens A.G. v. The Argentine Republic ................................................... 170, 209
Suez, Sociedad General de Aguas de Barcelona S.A. and Vivendi Universal S.A.
v. The Argentine Republic ........................................................................ 214
Técnicas Medioambientales Tecmed .........................................................43, 95, 166
Waste Management Inc. v. United Mexican States .................................. 69, 102
Wena Hotels Limited v. Arab Republic of Egypt ........................................ 32, 42–3, 166

Cases not Included in Text but Used in Research

ICSID, Alex Genin, Eastern Credit Limited, Inc. and A.S. Baltoil v. The
Republic of Estonia, Award, 25 June 2001, ICSID Case No. ARB/99/2,
ICSID, CMS Gas Transmission Company v. The Argentine Republic, Award, 12
(accessed 9 October 2014).
ICSID, Consortium RFCC c/ Royaume du Maroc, Award, 22 December
ICSID, Fedax N.V. v. The Republic of Venezuela, Award, 9 March 1998,
ICSID, Lanco International Inc. v. The Argentine Republic, Preliminary
Decision: Jurisdiction of the Arbitral Tribunal, 8 December 1998,
ICSID Case No. ARB/97/6, 40 I.L.M. 457 (2001).
ICSID, LG&E Energy Corp., LG&E Capital Corp. and LG&E International Inc. v.
Argentine Republic, Decision on Liability, 3 October 2006, ICSID Case No.
ICSID, The Loewen Group, Inc. and Raymond L. Loewen v. United States of
America, Award, 26 June 2003, ICSID Case No. ARB(AF)/98/3, 7 ICSID
Reports 442 (2005).
ICSID, Middle East Cement Shipping and Handling Co. S.A. v. Arab
Republic of Egypt, Award, 12 April 2002, ICSID Case No. ARB/99/6, 7
ICSID Reports 178.
ICSID, Mihaly International Corporation v. Democratic Socialist Republic
of Sri Lanka, Award, 15 March 2002, ICSID Case No. ARB/00/2, 17:1
ICSID Rev. 140 (2002).
ICSID, Parkering-Compagniet AS v. Republic of Lithuania, Award, 11
ICSID, Philippe Gruslin v. Malaysia, Award, 27 November 2000, ICSID
Notice of intent to submit a claim to arbitration under section B of Chapter 11 of
the North American Free Trade Agreement – Signa S.A de C.V. v. Government
(accessed 9 October 2014).
INTERNATIONAL COURT OF JUSTICE (ICJ)

_Elettronica Sicula S.p.A. (ELSI) (U.S. v. Italy)_ ......................................................... 168

INDIAN CASE LAW

Cases not Included in Text but Used in Research

Supreme Court of India, _Novartis A.G. v. Union of India and Others with Natco Pharma Ltd. v. Union of India and Others and M/S Cancer Patients Aid Association v. Union of India and Others_, 1st April 2013, Civil Appeal Nos. 2706–2716 of 2013 (arising out of SLP(C) Nos. 20539-20540 of 2009).

IRAN–UNITED STATES CLAIMS TRIBUNALS

_Amoco International Finance Corporation v. The Government of the Islamic Republic of Iran_ ................................................................. 69
_Tippetts, Abbott, McCarthy, Stratton v. TAMS-AFFA_ ................................. 43

LONDON COURT OF INTERNATIONAL ARBITRATION

_Occidental Exploration and Production Company v. The Republic of Ecuador_ .............................................................................. 164, 169

NAFTA CHAPTER 11 ARBITRAL TRIBUNALS

_Canadian Cattlemen for Fair Trade v. United States_ ............................... 28
_Methanex Corporation v. United States of America_ ................................. 44–5, 90
_Pope Talbot Inc v. The Government of Canada_ ........................................ 75, 106
_S.D. Myers Inc. v. Government of Canada_ ......................................... 37–9, 40–41, 43, 46, 75

Case not Included in Text but Used in Research


PERMANENT COURT OF ARBITRATION (PCA)

_Romak S.A. (Switzerland) v. The Republic of Uzbekistan_ .......................... 208
PHILIPPINES CASE LAW

Case not Included in Text but Used in Research

Supreme Court of the Philippines (3rd division), Smith Kline & French Laboratories, Ltd. v. Court of Appeals, Bureau of Patents, Trademarks and Technology Transfer and Doctors Pharmaceuticals, Inc., 24 July 1997, G.R. No. 121867.

STOCKHOLM CHAMBER OF COMMERCE

Mr. X (United Kingdom) v. The Republic (in Central Europe) ................. 15, 18

UNCITRAL RULES OF ARBITRATION

Apotex Inc. v. The Government of the United States of America ....................... 220
BG Group Plc. v. The Republic of Argentina .................................................. 170
CME Czech Republic B.V. (The Netherlands) v. The Czech Republic .................. 43
Eli Lilly and Company v. Government of Canada ........................................... 70, 220–21
National Grid Plc. v. The Argentine Republic ................................................. 93
Ronald S. Lauder v. The Czech Republic ...................................................... 166, 168

Cases not Included in Text but Used in Research


UNITED KINGDOM CASE LAW

R. v. North and East Devon Health Authority Ex parte Pamela Coughlan .......... 60

UNITED STATES   CASE LAW

The DOW CHEMICAL CO.; Shell Oil Company; Shell Chemical Company,
Plaintiffs-Appellants, v. Jeronimo Anibal Florian CALDERON ...................... 197
Lucas v. South Carolina Coastal Council ............................................................ 60, 64
Penn Central Transportation Co. et al., Appellants, v. City of New York .......... 56
Roche Products Inc. v. Bolar Pharmaceutical Co .................................................. 48
WALLING, Administrator of Wage and Hour Division, United States
Department of Labor v. PÉAVY-WILSON Lumber CO ........................................ 88

Cases not Included in Text but Used in Research


WORLD TRADE ORGANIZATION’S DISPUTE SETTLEMENT BODY

Canada – Administration of the Foreign Investment Review Act .................. 136
Canada – Patent Protection of Pharmaceutical Products: Complaint by the
European Communities and their Member States ......................................... 67
China – Measures affecting the protection and enforcement of Intellectual
Property Rights ................................................................................................. 159
Indonesia – Certain Measures Affecting the Automobile Industry .............. 136
Thailand – Restrictions on the Importation of and Internal Taxes on Cigarettes
......................................................................................................................... 202
United States – Measures Affecting the Cross-Border Supply of Gambling and
Betting Services (US – Gambling .................................................................. 200
United-States – Section 211 Omnibus Appropriations Act of 1998 .............. 97
Cases not Included in Text but Used in Research
World Trade Organization Appellate Body, Japan – Taxes on Alcoholic Beverages,
(accessed 9 October 2014).