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July 12, 2022
Prof. Dr. Christian Rohnke
Dr. Thomas Winter
Attorneys with the Federal Court of Justice

FEDERAL COURT OF JUSTICE

ORDER

I ZB 63/21

dated

July 7, 2022

in the proceedings
for the order of enforcement of a foreign arbitral award

Etrak Insaat Taahhüt ve Ticaret Anonim Sirketi, Kasriali Cad., Kombe Apt. No. 13/1, Istanbul,
Turkey,

Petitioner and Appellant,

- Attorney of record: Dr. Hammer, attorney-at-law -

versus

State of Libya, represented by Litigation Department, Foreign Disputes Committee,
Essidi Street Courts Complex, 3rd Floor, Tripoli, Libya,

Respondent and Appellee,

- Attorney of record: Prof. Dr. Rohnke and Dr. Winter, attorneys-at-law -

ECLI:DE:BGH:2022:070722BIZB63.21.0

The First Civil Division of the Federal Court of Justice, on July 7, 2022, through the presiding Judge Prof. Dr. Koch, Judge Dr. Schwonke, Judge Feddersen, Judge Pohl, and Judge Dr. Schmaltz,

has ordered:

The appeal on the points of law against the order of the Higher Regional Court of Munich - 34th Civil Division - dated October 4, 2021, is dismissed as inadmissible at the expense of the Petitioner (Section 577 (1) sentence 2 ZPO [Code of Civil Procedure]), because the case has no fundamental importance, the objections based on the violation of fundamental procedural rights do not hold up, and neither the development of the law nor the assurance of uniform case law require a decision of the appellate court (Section 574 (2) ZPO).

The grounds for the decision are not given, because doing so would not be adequate to contribute toward clarifying legal questions of fundamental importance, developing the law, or assuring uniform case law (Section 577 (6) sentence 3 ZPO).

Value of the subject matter in dispute: €11,000,000

Koch

Schwonke

Feddersen

Pohl

Schmaltz