



of Appeal in Sweden (“Svea Court”) to set aside each of the two arbitral awards at issue in these actions.

**I. Proceedings in Spain’s Action to Set Aside the Award in *Novenergia***

On October 30, 2020, Spain submitted comments on the parts of the Svea Court’s draft case summary addressing Spain’s case together with Spain’s statement of evidence. Spain also submitted an expert legal opinion on the issue of European Union law. On November 2, 2020, Spain supplemented the previously submitted expert opinion.

**II. Proceedings in Spain’s Action to Set Aside the Award in *Foresight***

As the Court will recall, on February 14, 2019 Spain requested that the Svea Court refer certain questions to the CJEU for a preliminary ruling. ECF No. 58, p. 3. Spain revised its referral questions on October 15, 2019. A true and correct copy of Spain’s October 15, 2019 referral questions are attached hereto as **Exhibit A** (original Swedish excerpt followed by English translation). On October 23, 2020 the Svea Court denied Spain’s request to refer questions to the CJEU for a preliminary ruling. *The Kingdom of Spain v. Foresight et al.*, Case No. T 1626-19, Decision, October 26, 2020, p. 2. A true and correct copy of that decision, preceded by its English translation, is attached hereto as **Exhibit B**.

The Svea Court’s October 23, 2020 decision also granted the European Commission’s request to intervene and the European Commission must file its brief by December 18, 2020.

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NOVENERGIA II – ENERGY &  
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