

SUPREME COURT OF THE NETHERLANDS

CIVIL-LAW DIVISION

Number 22/03114

Date 22 March 2024

JUDGMENT

In the matter of

THE RUSSIAN STATE ENTERPRISE FKP SOJUZPLODOIMPORT,
having its registered office in Moscow, Russian Federation,
CLAIMANT in cassation, respondent in the conditional cross-appeal in cassation,
hereinafter: FKP,
represented by: [lawyer],

versus

1. HULLEY ENTERPRISES LIMITED,
having its registered office in Nicosia, Cyprus,
2. VETERAN PETROLEUM LIMITED,
having its registered office in Nicosia, Cyprus,
3. YUKOS UNIVERSAL LIMITED,
having its registered office in Douglas, Isle of Man,
RESPONDENTS in cassation, claimants in the conditional cross-appeal in cassation,
hereinafter: HVY,
represented by: F.E. Vermeulen.

1 The course of the proceedings

For the course of the proceedings in the fact-finding instances, the Supreme Court refers to:

- a. the judgment in case C/09/596260 / KG ZA 20-670, rendered by the District Court of The Hague on 27 October 2020;
- b. the judgment in case 200.292.064/01, rendered by the Court of Appeal of The Hague on 28 June 2022.

An appeal in cassation was lodged by FKP against the court of appeal's judgment.

A conditional cross-appeal in cassation was lodged by HVY.

Each party moved that the other party's appeal be dismissed.

The case was explained on behalf of the parties by their respective lawyers, for HVY also by P.E. Ernste and A.G. Colenbrander.

The Opinion of Advocate General P. Vlas advises that the principal appeal in cassation be dismissed.

A written response to that opinion was submitted by FKP's lawyer.

2 The assessment of the plea in the principal appeal

The Supreme Court has assessed the complaints regarding the court of appeal's judgment. The outcome of this assessment is that these complaints cannot cause that judgment to be set aside. There is no need for the Supreme Court to explain in a reasoned decision why it has reached this conclusion. Indeed, in assessing these complaints, it is not necessary to answer questions relevant to the unity or development of the law (see section 81 (1) of the Judiciary (Organization) Act).

In view of the above, there is no need to discuss the cross-appeal, which was lodged subject to the condition that the plea in the principal appeal would lead to the setting aside of the court of appeal's judgment.

3 Decision

The Supreme Court

- dismisses the principal appeal;
- orders FKP to pay the costs of the proceedings in cassation, up to this judgment estimated on the part of HVY at EUR 857 in disbursements and at EUR 2,200 in fees.

This judgment is rendered by the justices C.E. du Perron, presiding justice, A.E.B. ter Heide, F.R. Salomons, G.C. Makkink and K. Teuben, and was pronounced in open court by justice A.E.B. ter Heide on 22 March 2024.