

Russian court grants final anti-arbitration injunction against claimant, counsel and tribunal in ECT arbitration (Commercial Court of Moscow)

by *Practical Law Arbitration*, with *Kulkov, Kolotilov & Partners*

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In *Case No A40-92702/2025*, the Commercial Court of Moscow granted an application by the Russian Prosecutor General and imposed final, permanent antiarbitration injunctions, which restrain a German investor, its counsel and the tribunal from continuing investment arbitration proceedings against Russia. Significant financial penalties will be imposed in the event of non-compliance.

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The Commercial Court of Moscow has imposed final, permanent anti-arbitration injunctions to restrain the pursuit of an investment arbitration against Russia.

In April 2025, in response to an application by the Russian Prosecutor General, the Commercial Court of Moscow imposed unprecedented interim measures restraining a German investor (Wintershall Dea GmbH (Wintershall)) and its counsel from continuing an Energy Charter Treaty (ECT) arbitration against Russia. The interim measures were also imposed on the tribunal and the Permanent Court of Arbitration (PCA), which was administering the proceeding. The measures were initially imposed on an interim basis to allow for consideration of the application for final injunctive relief (see [Legal update, Commercial Court of Moscow grants interim anti-arbitration injunctions against German investor, arbitrators, counsel and PCA in ECT arbitration](#)).

On 9 September 2025, the court determined the Prosecutor General's application on the merits and granted it, imposing final, permanent anti-arbitration injunctions restraining Wintershall, its counsel and the tribunal from continuing the arbitration proceedings, with the threat of EUR7.5 billion penalty for non-compliance. Unlike the interim measures, the final injunctions do not apply to the PCA, as the Prosecutor General did not seek the injunctions against it.

The court stated that its order was justified by, among other things:

- Allegations of bias and partiality against the arbitrators, who failed to disclose conflicts of interest under the UNCITRAL Arbitration Rules and the IBA Guidelines on Conflicts of Interest.
- The PCA, which is administering the arbitration, being located in the Netherlands, which is designated as an "unfriendly" state by Russian law.

There are various examples of Russian courts applying article 248.2 of the Arbitrazh Procedural Code, under which this order was made, to issue anti-arbitration injunctions against claimant parties. However, this is the first known instance of an injunction also being directed at the claimant's counsel and the arbitrators. The court's earlier order only imposed interim anti-arbitration injunctions. Now that the order has been made final and permanent, there is a material risk that Russian courts considering similar applications will also impose anti-arbitration injunctions against not only the non-Russian parties to the cases but also their counsel and the arbitrators.

Case: [Case No A40-92702/2025 \(Commercial Court of Moscow\) \(9 September 2025\)](#).

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