

FISMA/12528 - Meeting on upcoming EU Investment protection initiative

Meeting date and place

Meeting held on 30/09/2021 08:00

Participating organisation(s) representative(s)

Ms [REDACTED]	ClientEarth	Participant
Mr [REDACTED]	Friends of the Earth Europe	Requester
Ms [REDACTED]	Bundesarbeitskammer Österreich	Participant

Main issues discussed

On 30 September 2021, a hybrid meeting was organised at the request of three organisations representing and defending the interests of the civil society. Two points were discussed: i) the timing, content and implication of the proposal on investment protection and facilitation, and ii) the recent ECJ judgment in *Republic of Moldova v Komstroy* on the intra-EU application of the Energy Charter Treaty.

The organisations started by welcoming the speech of Commissioner McGuinness in June 2021 where she announced the difficulties in setting up an investment court. They stressed the importance of treating citizens and investors equally with regard to access to justice. The organisations asked about the timing and content on the announced initiative.

DG FISMA services explained that the analysis of the options to move forward is still ongoing, no proposals will be published by the end of 2021 and that the Commissioner will make an announcement when the time will come (tentatively Q1 2022).

As follow-up question, the organisations asked about the state of play of the intra-EU BITs termination. DG FISMA services updated about the latest state of play and informed that they are closely monitoring the progress Member States are making.

Last, the organisations asked about the implication - in particular on pending arbitration proceedings - of the recent ECJ judgment on the intra-EU application of the Energy Charter Treaty. DG FISMA services replied that they are not in the lead on this file, inviting the organisations to approach DG ENER.

Directorate or unit

FISMA. [REDACTED]

Internal participants

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Mr [REDACTED]	FISMA [REDACTED]	[REDACTED]@ec.europa.eu)	Participant
Ms [REDACTED]	FISMA [REDACTED]	[REDACTED]@ec.europa.eu)	Notetaker, Participant

Author(s) of minutes

Ms [REDACTED], Ms [REDACTED]

Validator and validation date

Ms