



Brussels, 11 December 2015
ARES(2015) 6377985

MAROŠ ŠEFČOVIC

Vice-President of the European Commission

Dear Minister,

Dear Paolo,

Thank you very much for having received me during my visit to Rome last Friday. I very much appreciated our long and interesting discussion around energy security and energy diplomacy. I very much welcome, in this context, Italy's strong and constructive commitment to promote the objectives of the Energy Union framework strategy.

You will recall that at the end of our meeting I raised the issue of your country's intention to withdraw from the Energy Charter Treaty with effect of 1 January 2016. I had expressed the Commission's regret about this step and kindly asked you to reconsider it.

The Energy Charter is an important body to provide notably legal certainty and security for business operators in important energy producing and transiting countries. This has been also recognized by the Energy Union strategy. The European Union itself is a member to that organisation.

Withdrawing from the Energy Charter would send the wrong political message that the legal framework of the Energy Charter Treaty is not relevant for the energy business community of the EU or Italy. Italian companies, however, have so far also benefitted from the investors' protection provided by the provision of the Energy Charter Treaty.

Moreover, third countries would perceive the EU as being split on the importance of investment protection and energy cooperation. It could also inspire other Member States to consider withdrawing from the Treaty, which would increase the political 'fall-out' to the outside world. In a broader context, the withdrawal from the Energy Charter could create a precedent for other international organizations and bodies where both the EU and the MS are members.

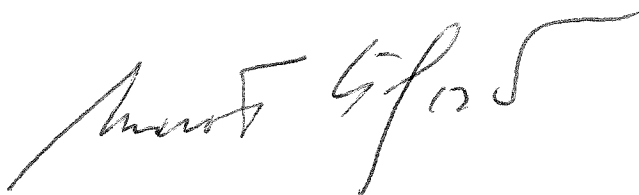
Mr Paolo Gentiloni
Minister of Foreign Affairs and
International Cooperation
Ministry of Foreign Affairs
and International Cooperation
Piazzale della Farnesina, 1
IT-00135 Rome

Finally, deciding to withdraw from the Energy Charter would also send a negative signal regarding the ongoing efforts to encourage new countries to endorse the new Charter signed last May; the timing of your government's decision is in this respect the more regrettable, as important emerging countries such as China are in the process of entering this organisation.

You mentioned that budgetary reasons in the first place led to your Government's decision; I hope that in the process of your budgetary procedures you can review the decision, which was linked to the annual membership contribution of just €370.000. I am sure you are aware that the contracting parties to the Energy Charter Treaty are currently discussing a major budget reduction for the Energy Charter Secretariat in Brussels for the year 2016: some 10% of their annual budget of € 4,5m will be cut. I trust this will help also to address the Italian financial concerns. I am also convinced that the Energy Charter Secretariat is ready to discuss with you payment modalities, should your budgetary procedure for 2016 be already completed.

I would be, therefore, very grateful if you could reconsider the decision of withdrawal and decide to stay party of the Energy Charter Treaty. It is my understanding that until 31 December 2015 it would suffice if your country simply notifies to the depositary (i.e. Portugal) that it considers its previous notification as without effect. If this is not done and Italy should decide to return after that date to the Treaty, it would, regrettably, have to follow the full and cumbersome accession process, including a new ratification by the Italian Parliament.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Antonio Di Pietro', with a long, sweeping horizontal line extending to the right.

Cc: Ms Federica Guidi, Minister of Economic Development