

# FISMA/14355 - Meeting about application of caselaw re Bilateral Investment Treaties to the Energy Char

## Meeting date and place

Meeting held on 06/09/2022 11:30 SPA 2

## Participating organisation(s) representative(s)

Gibson, Dunn & Crutcher LLP **Contact, Participant, Requester**

## Main issues discussed

On 6 September 2022, FISMA services met with investors in the energy sector upon their request to discuss on the possibility to enforce arbitral awards obtained by EU investors against EU member States under the Energy Charter Treaty (ECT) in light of the case law of the Court of Justice of the European Union in *Achmea* (Case C-284/16). They explained that a number of favourable awards were issued before *Achmea* in intra-EU proceedings under the ECT and suggested solutions on how these awards could be allowed to be enforced in the aftermath of *Achmea*, *Komstroy* (Case C-741/19) and Opinion 1/20. From our side, we took note of the concerns expressed and reiterated the Commission's long-standing position that the ECT does not have an intra-EU application.

## Directorate or unit

FISMA.E

## Internal participants

Mr WIEDNER Klaus	FISMA E	@ec.europa.eu)	<b>Notetaker, Participant, Requested for</b>
	FISMA	@ec.europa.eu)	<b>Notetaker</b>
	FISMA	@ec.europa.eu)	<b>Notetaker, Participant</b>

## Author(s) of minutes

## Validator and validation date

Mr WIEDNER Klaus