The EU and the ‘Greening’ of the Energy Charter Treaty: towards the Protection and Promotion of Clean Energy

The Energy Charter Treaty has been ever since its entry into force in 1998 the cornerstone of the international investment regime in the energy sector across Europe. Its pull towards cooperation in the development of the energy industry has been at the basis of the ample flowing of capitals in that economic sector.

However, the ECT system has been under stress for some time. The ample case law concerning incentives in the renewable energies sector against Czechia, Italy and Spain, has shown that this instrument does not put enough focus on sustainability issues so as to foster ‘green’ investments and/or oblige State to pursue environmental-friendly energy policies.

The seminar will present the recent ECT case law, showing the – limited – attention that tribunals have devoted to sustainability issues in construing the relevant investment standards. It will also address the EU proposal for amendments of the ECT, so as to highlight recent trends towards the development of that Treaty in a sustainable development-friendly way.