

10. July 2023

Dear Energy Ministers,

We are writing to you ahead of the informal meeting of Energy Ministers that will take place on the 12th of July. We call on you to support the Commission's proposal for a coordinated withdrawal of the EU and all its member states from the Energy Charter Treaty (ECT) and welcome a discussion of the ECT among energy ministers.

The ECT is a major obstacle to the EU's energy sovereignty and climate neutrality goals. It is also against the EU's investment policy and EU law. The modernisation process has failed to address the structural problems of the ECT and to align it with the Paris Agreement. This assessment is shared by the independent [French High Council on Climate](#) and the [British Climate Change Committee](#).

A coordinated withdrawal of the EU and all its member states will provide the legal clarity and certainty to accelerate the EU's energy transition away from fossil fuels. It is also the safest option and the only one that can significantly reduce the risks of claims against our energy and climate policies, by enabling the EU and its member states to remove the 'sunset clause' between themselves. Both the European Commission and the European Parliament support a coordinated withdrawal.

On the other hand, a split EU membership of the ECT would fragment the single market and undermine the EU's external representation, particularly in energy and climate issues. It will also expose remaining member states to the risk of being sued under the ECT for actions undertaken by the Union. Countries that remain in the ECT will also need to bear the costs of internal coordination and financing the ECT's Secretariat.¹

The decision to leave the ECT has dragged on for too long. It is now time for the Council of the EU to show leadership. The Energy Charter Treaty is not fit for purpose and will remain a barrier to EU climate and energy goals unless the EU and all its member states jointly withdraw from it.

We call on your leadership to finally put an end to this process and support a coordinated EU withdrawal from the ECT.

Yours sincerely,

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¹ For further details please refer to:

https://caneurope.org/content/uploads/2023/02/ECT-briefing_ways-forward_CAN-Europe_Feb-2023-1.pdf

Manon Dufour, Head of Brussels Office, Third Generation Environmentalism (E3G)
 Luis Rico, Coordinator, Ecologistas en Acción
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