

Von: Moiteaux, Annick, ID3

Gesendet: Dienstag, 26. Juli 2022 17:05

An: Säverin, Robert, Dr., LB1 <robert.saeverin@bmwk.bund.de>

Cc: Steinberg, Philipp, Dr., I <Philipp.Steinberg@bmwk.bund.de>; Solbach, Thomas, Dr., ID <thomas.solbach@bmwk.bund.de>; BUERO-LB1 <BUERO-LB1@bmwk.bund.de>; [REDACTED]

[REDACTED]; Tiemann, Annette, IIB7 <Annette.Tiemann@bmwk.bund.de>

Betreff: PRSSEANFRAGE: Uniper - lawsuit against the Dutch state

Lieber Robert,

Hier ein Antwortentwurf:

Germany has taken due note of the clear ECJ jurisprudence on intra-EU investment arbitration cases (Achmea decision of the ECJ of 6 March 2018, Komstroy of 2 September 2021 and European Fruit of 25 January 2022). In a joint declaration with an overwhelming majority of EU Member States, Germany has thus committed to take steps to withdraw pending intra- EU arbitration cases in controlled companies. In light of this, Uniper is requested to withdraw its investment arbitration proceedings under the ECT before obtaining substantial state support.

Die Achmea-Erklärung hängen wir zur Info an – aber mit der Bitte, sie nicht rauszugeben.

BG Annick

Von: Säverin, Robert, Dr., LB1 <robert.saeverin@bmwk.bund.de>

Gesendet: Montag, 25. Juli 2022 16:05

An: Moiteaux, Annick, ID3 <Annick.Moiteaux@bmwk.bund.de>

Cc: [REDACTED] >

Betreff: PRSSEANFRAGE: Uniper - lawsuit against the Dutch state

Liebe Annick,

wer könnte mir hierzu etwas aufschreiben?

☺ Robert

Von: [REDACTED]

Gesendet: Montag, 25. Juli 2022 15:56

An: BUERO-LB1 <BUERO-LB1@bmwk.bund.de>

Betreff: Uniper

Dear madam/sir,

As a Dutch journalist for a news agency that focusses on the energy sector, I am interested in the following. In the press release of Uniper last Friday, I read the following: *The stabilization measures are subject, inter alia, to the withdrawal of Uniper's lawsuit against the Netherlands in connection with the Energy Charter Treaty (ECT), to regulatory approvals, in particular from the EU Commission, and the confirmation of the investment grade rating of Uniper by S&P Global Ratings.*

I was wondering: Uniper has also filed a lawsuit against the Dutch state in a Dutch procedure, parallel to the lawsuit in connection with the ECT. Is that Dutch lawsuit affected by the measures of last Friday? Or can this lawsuit continue?

Can you maybe also explain why Uniper had to drop the lawsuit against the Netherlands, why was this demanded?

Thanks in advance!
Kind regards,
Wouter

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