

## **The (Announced) EU's Coordinated Withdrawal from the Energy Charter Treaty: Issues of Treaty Law and International Responsibility**

*Luca Pantaleo, Associate Professor of EU Law at the University of Cagliari*

### **Abstract:**

The ECT has long been a cornerstone of international energy governance, fostering cooperation and investment protection. However, recent concerns relating, in particular, to climate change have raised questions about its continued relevance and effectiveness. This discussion adds to the longstanding criticisms regarding the legitimacy of investment arbitration, widely known as the backlash against investment arbitration. All these issues have caused profound disagreements within the European Union regarding what course to take about the ECT. They ultimately resulted in the EU's decision to withdraw from the ECT, which the European Commission officially announced in July 2023.

However, it is still being determined whether the EU and all its Member States will withdraw from the ECT or whether some Member States will continue to be parties to it. The second option appears at the moment more likely. A unilateral withdrawal from a multilateral agreement raises delicate international law issues, as evidenced within the EU by the Brexit quagmire. Let alone a partial withdrawal of a composed international legal subject such as the EU and the Member States considered as a bloc.

Starting from the assumption of a partial withdrawal of the EU from the ECT, this paper will examine the complex legal issues at stake, offering an analysis from the perspectives of treaty law and the law of international responsibility.

Considering the general theme of the workshop, this paper will ultimately offer some insights into the current crisis of multilateralism and contribute to the ongoing discourse on the future and the evolving landscape of international investment law.