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**Master Thesis
Investment Protection in Renewable Energy Projects**

Abstract

Starting with the 2008 financial crisis and over-subsidisation in the renewable energy (“RE”) sector, various favourable state subsidies and RE- support schemes have been re-evaluated by various European states hosting foreign investments, thereby negatively affecting investors’ returns. International tribunals came to different conclusions regarding standards of protection that investors have invoked under the Energy Charter Treaty (“ECT”) as a reaction to changes to RE-support schemes in Spain. However, an analysis of selected awards reveals that general views can be taken regarding investment protection in RE-projects, standards of protection to investors under the ECT against adversary changes to RE- support policies respectively. In order to benefit from standards of protection under the ECT, an investor must be organized under the laws of a host state which is a contracting party to the ECT. The notion of investment under the ECT has been broadly interpreted as referring to the shares held by an investor in the project company operating the RE-project. Absent a stabilization clause, which offers highest protection to an investor against adversary changes to RE-support schemes, an investor may rely on the host states’ obligation to provide fair and equitable treatment to a RE-investment as well as to protect an investor from direct and indirect expropriation. International tribunals have confirmed the conformity of the dispute resolution mechanism under the ECT with EU law regarding disputes resulting from investments made within the territory of the EU by EU investors.