

Energy Charter Treaty, German Nuclear Phase-Out and International Investment Arbitration —An Analysis on the Case *Vattenfall v. Germany*

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Abstract

After the Fukushima disaster in March 2011, a number of countries, most notably Germany, dramatically changed their energy policies in order to close nuclear power plants. In May 2012, the Swedish energy company Vattenfall, an investor controlling two nuclear power plants in Germany, filed a request for arbitration against Germany at the International Centre for the Settlement of Investment Disputes (ICSID) regarding the German nuclear phase-out. This article provides background on the introduction and phasing out of nuclear energy in Germany, as well as the conflict between Vattenfall and the host state. This article also analyzes important public policy aspects of this particular case with respect to core elements of international investment law.

Key Words: Energy Charter Treaty (ECT), International Centre for the Settlement of Investment Disputes (ICSID), nuclear phase-out, regulatory measures, compensation for expropriation