



VICEPRESIDENCIA TERCERA DEL GOBIERNO  
MINISTERIO PARA LA TRANSICIÓN ECOLÓGICA  
Y EL RETO DEMOGRÁFICO

MINISTERIO DE ASUNTOS EXTERIORES, UNIÓN  
EUROPEA Y COOPERACIÓN

MINISTERIO DE INDUSTRIA, COMERCIO Y  
TURISMO

Frans Timmermans  
Executive Vice-President of the European Commission

Valdis Dombrovskis  
Executive Vice-President of the European Commission  
and European Commissioner for Trade

Kadri Simson  
European Commissioner for Energy

CC: Josep Borrell Fontelles  
High Representative and Vice-President of the European Commission

Madrid, 27<sup>th</sup> September 2022

Dear Executive Vice-Presidents, dear Commissioner,

As you already know, Spain has been very critical with the progress of the negotiations on the modernization of the Energy Charter Treaty (ECT). However, the Spanish representatives have been involved in the modernization process, always together with the European Commission, following the principle of loyal cooperation.

At the same time, we have asked on several occasions both the Council and the Commission to study the effects of a joint withdrawal and to analyse the advantages and disadvantages that the approval of the amended treaty could have, but we have not been successful in our requests.

Once the negotiations are concluded, Spain has carried out an analysis of the text of the pre-agreed treaty to conclude that the outcome of the ECT modernisation process has been considerably insufficient. The modernised ECT has not achieved a successful alignment with the Paris Agreement objectives and the European Green Deal, in order to fulfil our solid commitment to become climate neutral by 2050.

We also consider insufficient the advances achieved from the point of view of the defence of the integrity and primacy of the EU legal system and its application in all Member States, as the Court of Justice of the European Union has stated on several occasions.



Consequently, we inform you that Spain is going to initiate the procedure to make effective the withdrawal of the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and related Environmental Aspects.

We still think that a coordinated withdrawal of the EU and its Member States would be the best option for all the EU, so we remain open to work with the Commission and Member States in our common interest.

With regard to the Conference of the Parties on November 22, Spain cannot support the modernized treaty for reasons of coherence, as we will be immersed in the above mentioned procedure.

Despite this, and given that our withdrawal will not be immediate, it is not our intention to jeopardize the interests of the rest of the Member States, so we ask you to work together on the best way to satisfy the interests of all the parties involved.

Yours faithfully,

**José Manuel Albares Bueno**  
Minister for Foreign Affairs, European Union  
and Cooperation

**Reyes Maroto Illera**  
Minister for Industry, Trade and  
Tourism

**Teresa Ribera Rodríguez**  
Vice-President and Minister for the Ecological Transition  
and the Demographic Challenge