

(English version)

**Question for written answer E-002842/26
to the Commission
Raphaël Glucksmann (S&D)
(8 July 2026)**

Subject: Arbitrations under the Energy Charter Treaty brought against the EU by entities linked to sanctioned individuals

In 2025, two arbitrations were brought against the EU under the Energy Charter Treaty (ECT): one by sanctioned individual Aleksandra Melnichenko, and the other by TerraBrown AG, of which she is the final beneficiary. In December 2025, the General Court ruled that the sanctions imposed on Mr and Ms Melnichenko did not extend to TerraBrown.

The 18th package of sanctions prohibits the recognition or enforcement of certain arbitration awards linked to sanctions. The recitals would appear to include within the scope entities owned or controlled by sanctioned individuals. However, in their current form, the operative provisions target only sanctioned corporations and those who own or control them.

1. Do the operative provisions of the 18th package of sanctions cover awards rendered in favour of an entity that is not sanctioned but is owned or controlled by a sanctioned individual? If not, what is the Commission's planned schedule for reviewing infringement complaints lodged under Article 258 of the Treaty on the Functioning of the European Union?
2. Is it aware of any analogous arbitrations, and on what basis does the Commission justify the non-disclosure of the notices of arbitration received?
3. Does it consider the continuation of bilateral investment treaties with Belarus to be compatible with EU policy?

Submitted: 8.7.2026

**Answer given by Ms Albuquerque on behalf of the European Commission
(17 September 2026)**

In its judgments of December 2025 ⁽¹⁾, the General Court stressed that its review was limited to the listings of the natural persons and did not pronounce itself on whether TerraBrown AG is subject to EU sanctions.

Article 11(1) of Regulation 833/2014 ⁽²⁾ and Article 11(1) of Regulation 269/2014 ⁽³⁾ prohibit the satisfaction of any claim in connection with a contract or transaction which is affected by EU sanctions.

This prohibition includes the satisfaction of such claims in arbitral proceedings as well as the recognition and enforcement of arbitral awards resulting from such proceedings in the EU.

Article 11(2a) of Regulation 833/2014 further specifies that Member States are not to recognise or enforce non-EU court judgments, arbitral awards or administrative decisions issued pursuant to or derived from investor-State dispute settlement proceedings against a Member State, which could lead to the satisfaction of any claim linked to EU restrictive measures, when these are invoked by, *inter alia*, listed persons or entities, or by legal persons, entities or bodies established outside the EU whose proprietary rights are directly or indirectly owned for more than 50% by sanctioned persons or entities. This provision could extend to those invoked by a non-listed entity, which is owned or controlled by a listed person or entity.

The Commission is aware of arbitration proceedings initiated under Member States' bilateral investment treaties (BITs). Any request for access to related documents is examined in accordance with Regulation (EC) 1049/2001 ⁽⁴⁾.

Member States' BITs are grandfathered by Regulation No 1219/2012 ⁽⁵⁾. The Commission continues to monitor the compatibility of Member States' BITs with the EU investment policy, including those with Belarus.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62023TJ1114>.

⁽²⁾ OJ L 229, 31.7.2014, pp. 1-11: <http://data.europa.eu/eli/reg/2014/833/oj>.

⁽³⁾ OJ L 78, 17.3.2014, pp. 6-15: <http://data.europa.eu/eli/reg/2014/269/oj>.

⁽⁴⁾ OJ L 145, 31.5.2001, pp. 43-48: <http://data.europa.eu/eli/reg/2001/1049/oj>.

⁽⁵⁾ OJ L 351, 20.12.2012, pp. 40-46: <http://data.europa.eu/eli/reg/2012/1219/oj>.