

## **Description for the general public**

The research concerns changes in the regulatory framework in the renewable energy sector, which took place in the European Union member states – Poland (wind energy) and Spain (solar energy). It analyzes these changes from the perspective of international investment law, which was ignored by the states' authorities when analyzing the effects of introducing the above-mentioned changes.

One of the features of international investment law is that an investor (being an individual or a private entity) can sue a state in case of a breach of an investment treaty. The dispute is then resolved in international arbitration. The arbitral awards are binding and executable, whilst the amounts of compensation can exceed billions of dollars. In case of lack of a voluntary payment, enforcement proceedings can be commenced against states.

As a result of the changes in its regulatory framework of the renewable energy sector Spain faces over 30 disputes of this kind. Poland, in turn, has received “*at least a dozen*” notices of disputes, which most likely will turn into arbitration proceedings in the coming months.

Part of the research consists of an analysis of changes in the Spanish and Polish regulations of the renewable energy sector. Its aim is to explain why these changes have caused the largest “wave” of lawsuits against EU member states in history of international investment law.

The analysis concerns also arbitral awards already issued against Spain, which are mutually exclusive – two won and two lost cases (2:2 “draw”). The analysis will determine whether the contradiction is real or only apparent – and if it is real, how can the uniformity of the arbitral awards be achieved in the future.

Another goal is to determine the legal grounds which served or may potentially serve as basis of investors' claims against states. This will allow to draw a border between the regulatory freedom of national parliaments on the one hand and the legal obligations previously undertaken by states on international level on the other hand.

The research will also take into account the influence of the long-awaited judgment of the Court of Justice of the European Union in the *Achmea* case, which will be a milestone in defining the relationship between international investment law and law of the European Union.