



JUSTITS MINISTERIET

Deputy Permanent Secretary
Lennart Houmann

Dr. Rimantas Daujotas

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Date: 8 July 2020
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Dear Mr. Daujotas,

The Danish Ministry of Justice has received the Notice of Arbitration referring to the Agreement between the Government of the Kingdom of Denmark and the Government of the Republic of Lithuania Concerning the Promotion and Reciprocal Protection of Investments of 30 March 1992.

The European Court of Justice decided in case C-284/16, *Achmea*, that article 267 and 344 TFEU must be interpreted as precluding a provision in an international agreement concluded between Member States under which an investor from one of those Member States may, in the event of a dispute concerning investments in the other Member State, bring proceedings against the latter Member State before an arbitral tribunal whose jurisdiction that Member State has undertaken to accept.

The above-mentioned agreement is therefore not in accordance with EU law and cannot be relied upon in this regard.

Furthermore, The Danish Ministry of Justice can inform you that in the view of the Danish Government, the Danish authorities have not acted in a way that gives rise to liability under the above-mentioned agreement.

On that ground, the Danish Government rejects the claim that you have made, including the proposal for amicable settlement.

Sincerely,

Lennart Houmann

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