



MINISTERIO DE JUSTICIA  
REGISTRO AUXILIAR AV. 5

Entrada 11/03/15 13:47:41  
201500072834



Abogacía General del Estado  
Dirección del Servicio Jurídico del Estado  
F.A.O. Ms. Marta Silva de Lapuerta  
Abogada General del Estado  
Ministerio de Justicia  
San Bernardo, 45  
28071-Madrid  
Spain

SVEA HOVRÄTT  
020104

INKOM: 2020-12-18  
MÅLNR: T 4658-18  
AKTBIL: 200

6 March 2015

**CONDUCT CONSTITUTING VIOLATION OF OBLIGATIONS  
ARISING UNDER THE ENERGY CHARTER TREATY**

**SECOND LETTER**

Dear Madam,

On 18 December 2014, Novenergia II – Energy & Environment (SCA), SICAR (“**Novenergia**”) sent you a letter pursuant to Articles 26(1) and 26(2) of the Energy Charter Treaty of 17 December 1994 (“**ECT**”) (the “**Triggering Letter**”) regarding the treatment that is being inflicted by the Kingdom of Spain on Novenergia’s investment in Spain.

The Triggering Letter (which you received on 26 December 2014) gave you notice of an existing dispute under the ECT and requested amicable discussions pursuant to Articles 26(1) and 26(2) thereof. To date, Novenergia has not received any answer to that letter. In the meantime, the damage suffered by Novenergia as a result of the Kingdom of Spain’s violation of its international obligations continues to grow.

As you know, the Triggering Letter has triggered the three-month period contemplated in Article 26(2) of the ECT for Novenergia and the Kingdom of Spain to settle the dispute amicably. That period will expire on 26 March 2015.

We accordingly await the Kingdom of Spain’s response to our invitation to enter into amicable discussions and are available to discuss this matter further with any representative that you may wish to appoint for such purpose.

If the dispute is not amicably settled within the above-mentioned period, Novenergia reserves the right to initiate international arbitration pursuant to the provisions of the ECT. In this regard, we confirm our consent to submit the dispute to an arbitral proceeding under the Arbitration Institute of the Stockholm Chamber of Commerce in accordance with Article 26(4)(c) of the ECT.

Novenergia II energy & environment (SCA) SICAR  
21, rue Philippe II, L-2340, Luxembourg  
TVA N° LU21750780 - RCS N° B124550

Yours faithfully,



Mr. Carlos Pimenta  
Director  
Novenergia

Cc: Secretario de Estado de Energía  
Paseo de la Castellana, 162  
28046-Madrid  
Spain

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