

Corporate Attacks: Energy

Case Study: Nuclear Energy

Investor-State Dispute Settlement (ISDS) grants corporations shocking powers to attack the laws we rely on for a clean environment, financial stability, affordable medicines, safe food and decent jobs. The cases are decided by tribunals composed of three private attorneys, some of whom rotate between serving as “judges” and bringing cases against governments. The tribunalists are paid by the hour and are unaccountable to any court system or electorate. Under U.S. trade and investment pacts alone, corporations have already won more than \$3.6 billion in taxpayer money, with \$38 billion still pending.

Vattenfall v. Germany II

Case Pending

In May 2012, [Vattenfall launched a second investor-state claim under the Energy Charter Treaty against Germany](#), demanding a reported \$5 billion in taxpayer compensation for Germany’s decision to phase out nuclear power. The government made that decision in response to widespread German public opposition to nuclear power generation in the wake of Japan’s 2011 Fukushima nuclear power disaster. The German Parliament [amended the Atomic Energy Act](#) to roll back a 2010 extension of the lifespan of nuclear plants, and to abandon the use of nuclear energy by 2022.

Vattenfall claims Germany’s policy change violates its obligations to foreign investors under the Energy Charter Treaty. Press reports and inquiries from the German Parliament [indicate that the corporation is demanding](#) about 4.7 billion euros (more than \$5 billion) from German taxpayers for claimed losses relating to two Vattenfall nuclear plants affected by the phase-out. Though Germany attempted to halt Vattenfall’s claim as one “manifestly without merit,” the investor-state tribunal [decided in 2013 to allow the claim to proceed](#). It is pending.