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EUROPEAN ENERGY  
LAW REPORT XI

*Edited by*  
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## European Energy Law Report XI

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## EDITORIAL

The editors are very pleased to present the *European Energy Law Report XI*. The *European Energy Law Report* is an initiative taken by the organizers of the European Energy Law Seminar which has taken place on a regular basis in the Netherlands since 1989. The aim of this seminar is to present an overview of the most important legal developments in the field of international, European Union (EU) and national energy and climate law. Whereas the first seminars concentrated on the developments at European Community (EC) level, which were the results of the establishment of an Internal Energy Market, the focus has now gradually switched to the developments at the national level following the implementation of the EU Directives with regard to the internal electricity and gas markets. This approach can also be found in these reports.

Similar to the *European Energy Law Reports I, II, III, IV, V, VI, VII, VIII, IX* and *X*, this Report includes chapters based on papers presented at the European Energy Law Seminar, in this case, the 27th seminar which was organized on 25 and 26 January 2016. It contains five Parts representing the following topics: ‘EU Energy and Climate Law: Policy and Jurisprudence’, ‘Energy and Climate Treaty Developments’, ‘Energy Infrastructure Developments: Offshore Electricity Systems and Network Investments’, ‘Heat Supply Legislation in the EU’, and ‘Security of Energy Supply and Safety’. Where necessary, the chapters have been updated as to 1 March 2017.

We are grateful for the support of the speakers at the seminar and their cooperation in rewriting their papers for the purpose of this book. We also would like to thank the authors and co-authors who were not speaking at the seminar but were willing to participate in this project so that we are able to provide you with as complete a picture as possible of all topics discussed. Finally, we would like to acknowledge the help and support of the publisher in publishing this book. We are confident that these reports will be part of an important and long-lasting tradition in this field.

Martha M Roggenkamp and Catherine Banet  
Groningen/Oslo, 21 April 2017



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## LIST OF ABBREVIATIONS

ACER	Agency for the Cooperation of Energy Regulators
ACM	Authority for Consumers and Markets (Dutch NRA)
ADP	Durban Platform for Enhanced Action
APA	Ad hoc working group on the Paris Agreement
APEC	Asia-Pacific Economic Cooperation
APX	Amsterdam Power Exchange
AR	Assessment Report
AREI	Africa Renewable Energy Initiative
ARIAE	<i>Asociación Iberoamericana de Entidades Reguladoras de la Energía</i> (Latin American Association of Energy Regulatory Entities)
BAT	Best Available Technique
Bcm	Billion cubic meters
BGT	British Gas Trading
BIS	Bureau of Industry and Security in the US Department of Commerce
BREF	Best Available Technique Reference Document
BRUGEL	BRUxelles Gaz Electricité – BRUssel Gas ELEktricititeit (Brussels energy regulator, Belgium)
Capex	Capital costs
CBA	Cost–benefit analysis
CBS	Statistics Bureau of the Netherlands
CDM	Clean Development Mechanism
CEER	Council of European Energy Regulators
CEF	Connecting Europe Facility
CEM	Clean Energy Ministerial
CESEC	Central and South Eastern European Gas Connectivity initiative
CETA	Comprehensive Economic Trade Agreement
CHP	Combined Heat and Power
CITL	Community Independent Transaction Log
CJEU	Court of Justice of the European Union
CMA	Competition and Market Authority (UK)
CMA	Conference of the parties serving as the meeting of the Parties to the Paris Agreement
COP	Conference of the parties

CRE	<i>Commission de régulation de l'énergie</i> (French NRA)
CREG	<i>Commission de Régulation de l'Electricité et du Gaz</i> (Belgium NRA)
CTCN	Climate Technology Centre and Network
CUSC	Connection and Use of System Code
CVW	<i>Centrum voor Veilig Wonen</i> (Centre for Safe Living)
CWape	<i>Commission wallonne pour l'Energie</i> (Walloon energy regulator)
DCFTA	Deep and Comprehensive Free Trade Agreement
DECC	Department of Energy and Climate Change (UK)
DERA	Danish Energy Regulatory Authority
DH	District heating
DNO	Distribution Network Operators
DSO	Distribution system operator
EAC	East African Community
EEAS	European External Action Service
EBN	<i>Energiebeheer Nederland</i> (Dutch State Participant in the Oil and Gas Sector)
EC	European Commission
ECCAS	Economic Community of Central African States
ECJ	European Court of Justice
ECOWAS	Economic Community of West African States
ECT	Energy Charter Treaty
EEA	European Economic Area
EED	Energy Efficiency Directive
EIA	Energy Information Administration in the US
EIA	Environmental Impact Assessment
EITI	Extractive Industry Transparency Initiative
ENC	European Network Codes
ENP	European Neighbourhood Policy
ENTSO	European Network of Transmission System Operators
EnWG	<i>Energiewirtschaftsgesetz</i> (German Energy Industry Act)
EPBD	European Performance of Buildings Directive
EPCA	Energy Policy and Conservation Act of 1975 (US)
ETS	Emissions Trading System
EU	European Union
EnU	Energy Union
ESD	Effort Sharing Decision
ESWG	Energy Sustainability Working Group
EU-EnU	European Energy Union
EU ETS	European Union Emissions Trading System
FDI	Foreign direct investment
FMR	Final Modification Report

FPA	Final Project Assessment
GB	Great Britain
GCCSI	Global Carbon Capture and Storage Institute GCCSI
GEF	Global Environment Facility
GEMA	Gas and Electricity Markets Authority (UK)
GGA	Global Geothermal Alliance
GHG	Greenhouse gases
GTS	<i>Gasunie</i> Transport Services (Dutch gas TSO)
GW	Giga watt
HVDC	High-voltage direct current
ICS	Investment Court System
ICSID	International Centre for Settlement of Investment Disputes
IEA	International Energy Agency
IEC	International Energy Charter
IEF	International Energy Forum
IFA	<i>Interconnexion France Angleterre</i>
INDC	Intended Nationally Determined Contribution
IPA	Initial Project Assessment
IPCC	Intergovernmental Panel on Climate Change
IPEEC	International Partnership for Energy Efficiency Cooperation
IRENA	International Renewable Energy Agency
ISA	International Solar Alliance
ISDS	Investor–state dispute settlement
JI	Joint Implementation
LCNF	Low Carbon Network Fund
LDCF	Least Developed Countries Fund
LNG	Liquefied Natural Gas
LPAA	Lima–Paris Action Agenda
MENA	Middle East and North Africa countries
MEP	Members of the European Parliament
MOP	Meeting of the Parties
MoU	Memorandum of Understanding
NAFTA	North-American Free Trade Agreement
NAZCA	Non-State Actor Zone for Climate Action
NCG	National Coordinator Groningen
NDC	Nationally Determined Contribution
NEN	<i>Nederlands Normalisatie Instituut</i> (Netherlands Standardisation Institute)
NGET	National Grid Electricity Transmission (UK)
NGIH	National Grid Interconnector Holdings
NGO	Non-governmental organization
NMDA	<i>Niet Meer Dan Anders</i> (No More Than Otherwise)
NPg	Limited and Northern Powergrid

NRA	National regulatory authority
NSCOGI	Northern Seas Countries Offshore Grid Initiative
NSL	North Sea Link
Ofgem	Office of Gas and Electricity Markets (UK)
ÖMAG	<i>Abwicklungstelle für Ökostrom</i> (Austria)
OPEC	Organization of Petroleum Exporting Countries
Opex	Operational costs
PCI	Projects of common interest
PCR	Post Construction Review
PPA	Power purchase agreement
PPP	Public–private partnership
RAB	Regulatory asset base
RES	Renewable energy sources
RIIO	Revenue using Incentives to deliver Innovation and Outputs
RTE	<i>Réseau de Transport d'Electricité</i> (French TSO)
SADC	Southern African Development Community
SBI	Subsidiary Body for Implementation
SCCF	Special Climate Change Fund
SBSTA	Subsidiary Body for Scientific and Technological Advice
SEA	Strategic Environmental Assessment
SGB	Smart grid benefits
SCC	Stockholm Chamber of Commerce
SCF	Standing Committee on Finance
SEM	Single Electricity Market (Ireland)
SER	Special or Exclusive Rights
SOE	State Owned Enterprise
SoLR	Supplier of Last Resort
Tcbb	<i>Technische Commissie Bodembeweging</i> (Technical Committee on Earth Movements)
TEC	Technology Executive Committee
TICAD	Tokyo International Conference for Africa Development
TFEU	Treaty on the Functioning of the European Union
TNA	Technology needs assessment
TNUoS	Transmission Network Use of System
Totex	Total expenditure
TPA	Third Party Access
TSO	Transmission system operator
TTIP	Transatlantic Trade and Investment Partnership
TPP	Trans-Pacific Partnership
TYNDP	Ten-Year Network Development Program
UAE	United Arab Emirates
UN	United Nations
UNCITRAL	United Nations Commission for International Trade Law

UNCLOS	United Nations Law of the Sea
UNEP	United Nations Environmental Programme
UNFCCC	United Nations Framework Convention on Climate Change
USD	US dollar
VREG	<i>Vlaamse regulator van de elektriciteits- en gasmarkt</i> (Flemish energy regulator)
WACC	Weighted average cost of capital
WACM	CUSC modifications or Workgroup Alternatives
WEC	World Energy Council
WTO	World Trade Organization





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