

BOOK REVIEW

International Energy Governance. Selected Legal Issues, by Rafael Leal-Arcas, Andrew Filis, Ehab S. Abu Gosh. (Cheltenham. Edward Elgar Publishing Limited, 2015). Hardback, 576 pages. ISBN: 978 1 78471 149 8.

The book focuses on the legal development opportunities, deficiencies and challenges related to international energy governance with a cut-off date April 2014. It is organised in four main areas, namely: (1) interstate energy governance: selected legal issues from the trade, environment and law of the sea (Chapters 1–4); (2) EU energy governance: selected legal aspects (Chapters 5–6); (3) renewable energy in the WTO and the EU: selected legal aspects (Chapters 7–8); (4) sustainable development and mega-regions: the TTIP and TPP (Chapter 9).

Chapter 1 analyses the institutional architecture, legal norms, factors, processes and fields of interstate cooperation linked to the various aspects of the contemporaneous global energy governance (trade, climate change, investment, energy security and energy transit).

Chapter 2 introduces the main characteristics of the contemporaneous multilateral trade system, discusses the factors that make energy trade a special trade sector in the WTO system and explains why the GATT/WTO legal regime governs energy trade.

Chapter 3 examines trade in exhaustible natural resources as an intersection of environmental law and international trade and its potential implications for future oil-conservation measures. This is a highly relevant topic for future oil-conservation measures because the trade dispute settlement tribunals lack experience in resolving legal debates on this particular topic. Therefore, the authors examine the approach of GATT and WTO in the existing relevant case law concerning exhaustible natural resources (for example, tuna, herring, salmon, and sea turtles). They draw the conclusion that “the approach of GATT and WTO case law concerning the conservation of exhaustible natural resources is complex, variable, and narrow. Current approaches limit the possibility of conserving exhaustible natural resources [...] and would limit the protection of any future oil-conserving measure” (p. 143).

Chapter 4 is dedicated to the legal aspects of another essential area of interstate energy governance --- the law of the sea. Its emphasis is on the rich in discoveries of underwater energy reserves Eastern Mediterranean Basin, formed by Cyprus, Egypt, Greece, Israel, the Palestinian Occupied Territories, Lebanon, Syria and Turkey. The legal aspects of the particularly relevant in this case of competing energy claims of the involved states mechanisms for delimitation of maritime boundaries and resolution of marine disputes are analysed.

Chapter 5 discusses the factors, considerations and realities that affect the energy interests and the energy security of the EU as a whole and its separate Member States. The reasons for the significant impact of Lisbon's Treaty on the EU energy governance have been emphasised. The chapter also presents the limitations for the EU as a promoter of matters related to the collective energy security of its Member States and the dynamism of its functions as long as sufficient level of consensus among its Member States exists.

Chapter 6 analyses the EU's energy security and two multilateral regimes to which it has been the main promoter, namely: the Energy Charter Treaty (ECT) and the Energy Community (EnC). The authors discuss key normative aspects of ECT and EnC, their dispute settlement mechanism and their relation to the EU. These three regimes may be sources of: (i) normative conflicts at the level of concurrent norms "in relation to rules or principles, within a single legal regime but flowing from different instruments, or between norms flowing from different legal regimes" (p. 360) and/or (ii) jurisdictional conflicts. Therefore, the chapter provides a discussion of juridical technics and general principles to help resolve these conflicts.

Chapter 7 discusses the WTO norms that "have been, and might be, engaged by measures linked to the promotion of renewables" (p. 394). The authors motivate the choice of this topic with the argument that, in order to increase the coherence of the currently fragmented international environmental governance, it is of interest to explore special regimes (for example, the WTO and the EU) and dispute resolution institutions that sufficiently well balance their environmental objectives against their other strategic objectives. A key conclusion the authors reach is that the WTO has the capacity of promoting objectives related to environmental protection.

Chapter 8 continues the discussion of the previous chapter by exploring the EU's renewable energy policy legislation with segregating the normative context into intra-EU and extra-EU features. At the level of EU law, the authors analyse the following pieces of primary and secondary legislation with implications for renewable energy: Treaty on the functioning of the European Union; Commission Regulation (EC) No. 800/2008; the 2008 Guidelines on State Aid for Environment Protection; Directive 2009/28/EC, as well as selected EU cases with implications for renewable energy, namely *Outokumpu* and *Preussen Elektra*. The authors draw the conclusion that "given the centrality of the EU's competition objectives to the EU project (internal market), renewable energy policy – and, more generally, the EU's environmental objectives – can sometimes be seen to undermine the internal market" (p. 484). As far as the EU's obligations owed to "third-party States and organizations, and the international community at large" (p. 445), or stated equivalently, the extra-EU features of the EU's renewable energy policy are concerned, the book analyses the Kyoto Protocol of the United Nations Framework Convention on Climate

Change and the filed by Argentina renewables-related complaint WT/DS459 against the EU within the WTO. The chapter concludes with a forward-looking discussion on the developments of the EU legislation with implications for its renewable energy policy. As examples can be mentioned the suggestion that a global approach to including the shipping industry in emission trading schemes (ETS) is necessary, and the application of a sectorial approach to emission trading as an intermediate step before the creation of a global carbon market.

Chapter 9 assesses the potential of two mega-regional trade agreements under negotiation, the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP), to promote sustainable development. The emphasis is on aspects of these agreements that are likely to have consequences, to pose risks and to present opportunities for the fulfilment of energy, trade and environmental protection objectives of the signatory countries. The authors express the opinion that in the TTP's Environment Chapter trade liberalisation and investment protection considerations seem to have been given prevalence over environmental and sustainability goals. They provide examples concerning TTF's lack of clarity on environmental and sustainability notions, and point out that the absence of binding enforcement rules makes its enforcement problematic. The chapter also contains an assessment of the future potential of TTF and TTIP to become an influential and successful free trade agreement. The authors argue that it is the TTIP rather than TTP that may play this role and suggest a way in which this goal can be achieved.

In summary, the carefully selected topics in this book should be eye openers for international lawyers, scholars and policy-makers interested in international energy governance. The book's content should be also accessible to general readers without legal background because among the advantages of this carefully edited book is the fact that each important concept is explained in a footnote.

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