

International Energy and Environmental Law

Course informations :

Degree level	<ul style="list-style-type: none">○ DU LLM International Law○ Master 2 Droit international général¹
Semester	Spring 2024
Course duration	15h
ECTS delivered upon completion	7

Instructor information:

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Course description :

This course provides an overview of the international and EU regulation of energy law, with particular focus on the interaction with climate change and environmental sustainability. Throughout the course, students will gain knowledge of: the international institutions and legal principles governing the energy sector; the evolution of the international legal regime on climate change and its relevance for the regulation of the energy sector; the EU law and policy concerning the energy sector and the energy transition; the sectoral regulation of specific energy sources, including biofuels, wind energy, and green hydrogen.

Course learning outcomes:

Upon completion of this course, students will demonstrate their ability to: (3 or 4 outcomes)

- Analyze and compare international, EU and national rules and practice within energy law and related environmental issues;
- Identify and analyze relevant problems and legal arguments within energy law and the connected environmental impact;
- Present solutions and arguments in a systematic and coherent manner that shows in-depth knowledge and understanding of the problems within energy law and environmental impact issues.

Student evaluation plan:

Students will be evaluated based on their active participation in the sessions, as well as through a 1-hour written test in the final session.

¹ Only for *Law and Practice of International Courts and Tribunals; International Law and Global Governance; International Commercial Arbitration*.

Each session requires preparation through mandatory and supplementary readings.

Course schedule:

Date	Session	Topic	Description
Monday, 4 th March 2024	1	Principles and Institutions of International Climate Change Law	The international legal regime on climate change
Monday, 11 th March 2024	2	Principles and Institutions of International Energy Law	Guiding principles of energy law, normative and institutional framework for international cooperation
Monday, 8 th April 2024	3	EU Energy Law: the overarching legal framework	The overarching legal framework for the regulation of energy in the European Union
Monday, 15 th April 2024	4	Renewable energy targets and support measures in the EU	Regulatory mechanisms to promote renewable energy in EU law
Monday, 22 nd April 2024	5	Climate and Energy in International Economic Law	The role of climate and energy in international trade and investment law
Monday, 6 th May 2024	6	The Regulation of Green Energy Sources in the EU: Bioenergy, Wind Energy, Green Hydrogen	The specific EU normative framework for the regulation of bioenergy, wind energy, and green hydrogen
Saturday, 25 th May 2024	7	Final Evaluation	Written test

Readings:

Session 1: Principles and Institutions of International Climate Change Law (Monday, 4th March 2024, 6 – 8 pm)

Required readings:

- Bodansky D., Brunnée J. and Rajamani L., *International Climate Change Law* (OUP 2017), Chapter 5: The Framework Convention on Climate Change, pp. 118 -158
- Bodansky D., Brunnée J. and Rajamani L., *International Climate Change Law* (OUP 2017), Chapter 7: Paris Agreement, pp. 209 - 250

Supplementary readings:

- Savaresi A., ‘The Paris Agreement: a new beginning?’ (2016) 34 *Energy and Natural Resources Law* 16-26
- Zahar, A., ‘Collective Obligation and Individual Ambition in the Paris Agreement’, (2020) 9 *Transnational Environmental Law* 165-188.

Session 2: Principles and Institutions of International Energy Law (Monday, 11th March 2024, 6 – 8 pm)**Required readings:**

- Heffron, R.J., Rønne, A., Tomain, J.P., Bradbrook, A. and Talus, K., ‘A treatise for energy law’ (2018) 11 *Journal World Energy Law & Business* 34–48
- Leal-Arcas, R. and Minas, S, ‘Mapping the International and European Governance of Renewable Energy’ (2016) 35 *Yearbook of European Law* 621-666,
- Crossley, P., ‘Why Do Countries Legislate to Accelerate the Deployment of Renewable Energy?’ in: *Renewable Energy Law: an International Assessment* (Cambridge University Press 2019) 98 – 163.

Supplementary readings:

- Citelli, M., Barassi, M., and Belykh, K., ‘Renewable Energy in the International Arena: Legal Aspects and Cooperation’ (2014) 2 *Groningen Journal of International Law* 1-33.
- Parker, L., ‘International Law and the Renewable Energy Sector’ in Kevin R. Gray and others (eds), *The Oxford Handbook of International Climate Change Law* (OUP 2016) 357-392.

Session 3: EU Energy Law: the Overarching Legal Framework (Monday, 8th April 2024, 6 – 8 pm)**Required readings:**

- Roeben, V., ‘Establishing the European Energy Union’ in *Towards a European Energy Union* (CUP 2018) 15-35.
- Haraldsdottir, K., ‘The Limits of EU Competence to Regulate Conditions for Exploitation of Energy Resources: Analysis of Article 194(2) TFEU’ (2014) *European Energy and Environmental Law Review* 208-218.

Supplementary readings :

- Woerdman, E. and others, ‘Renewable energy consumption’ in *Essentials EU Climate Law* (Edward Elgar 2015) 125-156.
- Szulecki, K. and others, ‘Shaping the 'Energy Union': between national positions and governance innovation in EU energy and climate policy’ (2016) 16 *Climate Policy* 548-567

Session 4: Renewable Energy Targets and Support Measures in the EU (Monday, 15th April 2024, 6 – 8 pm)

Required readings :

- Monti, A. and Martinez Romera, B., ‘Fifty Shades of Binding: Appraising the Enforcement Toolkit for the EU’s 2030 Renewable Energy Targets’, (2020) *Review of European, Comparative and International Environmental Law* 221-231.
- Tsifopoulou, E., *Renewable-Energy Support Schemes in the Case Law of the Court of Justice of the EU: Tensions Between Trade and Climate Objectives* (2016) 6 *Climate Law* 264-278
- Guidelines on State aid for environmental protection and energy 2022: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022XC0218\(03\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022XC0218(03)&from=EN)

Supplementary readings:

- Roeben, V., ‘The Role of Coordinated Member State Law in a European Energy Union’ in *Towards a European Energy Union* (CUP 2018) 199-229.
- Veum, K. and Bauknecht, D., ‘How to reach the EU renewables target by 2030? An analysis of the governance framework’ (2019) 127 *Energy Policy* 299-307.

Session 5: Climate and Energy in International Economic Law (Monday, 22nd April 2024, 6 – 8 pm)

Required readings :

- Brauch, M.D., ‘Reforming International Investment Law for Climate Change Goals’ in Michael Mehling and Harro van Asselt (eds), *Research Handbook on Climate Finance and Investment Law* (Edward Elgar, forthcoming 2022) 1-35.
- Cima, E., ‘Promoting Renewable Energy through FTAs? The Legal Implications of a New Generation of Trade Agreements’ (2018) *Journal of World Trade* 52:4 663-696.
- Monti, A., ‘International Trade Disputes on Renewable Energy’, in Michael Jakob (ed), *Handbook on Trade Policy and Climate Change* (Edward Elgar 2022) 222-240

Supplementary readings :

- Baetens, F., ‘Combating Climate Change Through the Promotion of Green Investment: From Kyoto to Paris Without Regime-Specific Dispute Settlement’ in

Kate Miles (ed), *Research Handbook on Environment and Investment Law* (Edward Elgar 2019) 107-130.

- Marceau, G., *The Interface Between the Trade Rules and Climate Change Actions in Deok-Young Park* (ed), *Legal Issues on Climate Change and International Trade Law* (Springer 2016) 3-39.

Session 6: The Regulation of Green Energy Sources in the EU: Bioenergy, Wind Energy, Green Hydrogen (Monday, 6th May 2024, 6 – 8 pm)

Required readings :

- Egelund Olsen, B., ‘Acceptance issues in the transition to renewable energy’, in Farid Karimi and Michael Rodi (eds), *Energy Transition in the Baltic Sea Region* (Routledge2022), 41-58.
- Romppanen, S., ‘The Bioenergy ‘Blind Spots’ in EU Climate and Energy Law’, 29(4) *European Energy and Environmental Law Review* (2020) 150-162.
- Fleming, R., ‘Clean or renewable–hydrogen and power-to-gas in EU energy law’ (2021) 39 *Journal of Energy & Natural Resources Law* 43-63.

Supplementary readings:

- IRENA, ‘Offshore renewables: An action agenda for deployment’, 2021 32-49
- Monti; A. and Polugodina, M., ‘Biofuel and Biogas Policies: Economic, Regulatory, and Sustainability Challenges’ in Walter Leal Filho et al. (eds.), *Affordable and Clean Energy, Encyclopedia of the UN Sustainable Development Goals* (Springer 2020).
- European Commission Communication, ‘A hydrogen strategy for a climate-neutral Europe’, COM(2020) 301 final, available at: https://ec.europa.eu/energy/sites/ener/files/hydrogen_strategy.pdf

Session 7: Final Evaluation (Saturday, 25th May 2024, 11 am – 2 pm)