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EUROPEAN ENERGY  
LAW REPORT XIII

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*Distribution for the UK and Ireland:*

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Airport Business Centre, 10 Thornbury Road  
Plymouth, PL6 7PP  
United Kingdom  
Tel.: +44 1752 202 301 | Fax: +44 1752 202 331  
Email: orders@nbninternational.com

*Distribution for Europe and all other countries:*

Intersentia Publishing nv  
Groenstraat 31  
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Belgium  
Tel.: +32 3 680 15 50 | Fax: +32 3 658 71 21  
Email: mail@intersentia.be

*Distribution for the USA and Canada:*

Independent Publishers Group  
Order Department  
814 North Franklin Street  
Chicago, IL 60610  
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Tel.: +1 800 888 4741 (toll free) | Fax: +1 312 337 5985  
Email: orders@ipgbook.com

The Energy & Law Series is published in parallel with the Dutch series Energie & Recht.

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## European Energy Law Report XIII

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ISBN 978-1-78068-950-0

D/2020/7849/16

NUR 828

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

## PREFACE

The editors are very pleased to present the *European Energy Law Report XIII*. The *European Energy Law Report* is an initiative taken by the organisers 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, 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 on the internal electricity and gas markets, promoting renewable energy sources, mitigating climate change and securing energy supply. This approach can also be found in these reports.

Similar to the previous *European Energy Law Reports*, this book includes chapters based on papers presented at the preceding European Energy Law Seminar, held on an annual basis. This Report, however, covers the main contents of the European Energy Law Seminars from both 2018 and 2019. It examines some new developments following from the liberalisation of the electricity market, the hydropower sector, investments in the energy sector and the increased role of flexibility, but also the other side of the coin – the gradual closure of coal-fired power plants and nuclear plants, as well as the decommissioning of offshore oil and gas facilities. The latter is again linked to the need to reduce carbon dioxide emissions, which notably rely on the use of carbon capture and storage (CCS) technologies, and the opportunity to re-use and re-purpose installations. Renewable energy generation and CCS are climate mitigation instruments to reduce CO<sub>2</sub> emissions and are often considered in national climate plans and climate laws, which are examined in the last part of the book. This Report thus contains six parts: ‘Newcomers in the Electricity Market: Aggregators and Storage’, ‘Hydropower Concessions in the EU: A Need for Liberalisation or Privatisation?’, ‘Investments and Disinvestments in the Energy Sector’, ‘Offshore Decommissioning in the North Sea’, ‘CCS as a Climate Tool: North Sea Practice’ and ‘From EU Climate Goals to National Climate Laws’.

We are grateful for the support of the speakers at the seminar and their co-operation in rewriting their papers for the purpose of this book. We also would like to thank the authors and co-authors who were not speakers at the

seminar but who were willing to participate in this project so that we are able to provide you with a 'complete' picture of all the 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, 30 October 2019

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## LIST OF ABBREVIATIONS

ACER	Agency for the Cooperation of Energy Regulators
AIB	Association of Issuing Bodies
APG	Austrian Power Grid AG
ARH	Hydrographic district administrations
ARP	Access Responsible Party
ASC	Adaptation Sub-Committee (United Kingdom)
ASN	Nuclear safety authority (France)
BEIS	Department for Business, Energy and Industrial Strategy
BMUs	Balancing Mechanism Units
BPEO	Best Practicable Environmental Option
BRP	Balance Responsible Party
BSC	Balancing and Settlement Code
BSUoS	Balancing Services Use of System
BVerfG	Federal Constitutional Court (Bundesverfassungsgericht)
CAE	Energy Acquisition Agreements (Contratos de Aquisição de Energia)
CAISO	California ISO
CCA	Climate Change Act (United Kingdom)
CCC	Committee on Climate Change (United Kingdom)
CCS	UK Climate Change Act 2008
CCL	Climate Change Levy
CCS	Carbon capture and storage
CCUS	Carbon capture use and storage
CEER	Council of European Energy Regulators
CEN	European Committee for standardization
CETA	EU-Canada Comprehensive Economic and Trade Agreement
CfD	Contracts for Difference
CJEU	Court of Justice of the European Union
CMEC	Costs of Maintenance of the Contractual Equilibrium (Compensation Mechanism)
CO <sub>2</sub>	Carbon dioxide
ConEd	Consolidated Edison
CREG	Commission for Electricity and Gas Regulation (Belgium)
CRPPA	Corporate Renewable Power Purchasing Agreement
CS	Continental Shelf
CSP	Curtailement service provider

CUSC	Connection and Use of System Code
DCC	Dutch Civil Code
DCO	Development consent order
DEA	Danish Energy Agency
DERs	Distributed energy resources
DERP	Distributed energy resource providers
DGEG	Directorate General of Energy and Geology (Portugal)
DKK	Danish Crown
DNO	Distribution network owners
DPO	Plan for development and operation
DR	Demand response
DSA	Decommissioning Security Agreement
DSO	Distribution system operator
DSR	Demand side response
DUC	Danish Underground Consortium
DUoS	Distribution Use of System
EAC	Energy Attribute Certificate
EBN	BV Energie Beheer Nederland
ECT	Energy Charter Treaty
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EDF	Electricité de France
EDP	Energias de Portugal (formerly Electricidade de Portugal)
EEA	European Economic Area
EECS	European Energy Certificate System
EEZ	Exclusive Economic Zone
EFR	Enhanced Frequency Response
EFTA	European Free Trade Agreement
E&P	Exploration and Production
EHR	Enhanced Hydrocarbons Recovery
EOR	Enhanced Oil Recovery
EPA	Environmental Protection Agency (Sweden)
EPR	European pressurised reactor
ESA	EFTA Surveillance Authority
ESDER	Energy Storage and Distributed Energy Resource
ESR	EU Effort Sharing Regulation
ETTF	Energy Transition Task Force
EU	European Union
EU ETS	EU Emission Trading Scheme
EV	Electric vehicles
Exaa	Electricity Exchange Austria
FDI	Foreign Direct Investment

FDM	Flexibility Data Manager
FEED	Front and end engineering design
FERC	U.S. Federal Energy Regulatory Commission
FFR	Firm Frequency Response
FGC	Federal Grid Code (Belgium)
FIT	Feed in Tariffs
FOV	Fortum Oslo Varme
FPA	Federal Power Act
FPSO	Floating production storage and offloading vessels
FRIFO	Union of Outdoor Recreation Organizations
FSP	Flexibility service providers
FSR	Florence School of Regulation
FTA	Free trade agreement
GATT	General Agreement on Tariffs and Trade
GBS	Gravity base storage
GHG	Greenhouse gas
GO	Guarantee of Origin
GW	Gigawatt
HEC	High Efficiency Cogeneration
HSE	Health, Safety and Environment
ICH	Load interruptibility mechanism
ICSID	International Centre for Settlement of Investment Disputes
IDNO	Independent distribution network operators
IE	Industrial Emissions
IEA	International Energy Agency
IMF	International Monetary Fund
IMO	International Maritime Organization
INAG	National Water Institute (Instituto Nacional da Água)
INT NC	Network Code on interoperability and data exchange rules
IPCC	Intergovernmental Panel on Climate Change
ISCC	International Sustainability and Carbon Certification
ISO	independent system operators
JDA	Joint Development Agreement
JOA	Joint Operating Agreement
LCA	Life Cycle Assessment
LNG	Liquefied natural gas
LVK	Norwegian Association of Municipalities hosting Hydropower Plants
MEP	Multi-annual energy plan (Programmation Pluriannuelle de l'Énergie)
MFN	Most-favoured nation treatment
MIBEL	Iberian Electricity Market
MP	Member of Parliament

MPE	Ministry of Petroleum and Energy
MS	Member State
MW	Megawatt
NCS	Norwegian Continental Shelf
NECP	National Energy and Climate Plan
NGET	National Grid Electricity Transmission plc
NGO	Non-governmental organisation
NOPR	Notice of Proposed Rulemaking
NOVI	National Environmental Strategy (Nationale Omgevingsvisie)
NPS	National policy statement
NSIP	Nationally significant infrastructure project
NT	National treatment
NTE	Not-to-Exceed values
NVE	Norwegian Energy Directorate
NWA	Non-wires alternatives
OECD	Organisation for Economic Cooperation and Development
OGA	Oil and Gas Authority
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
PBL	Netherlands Environmental Assessment Agency (Planbureau voor de Leefomgeving)
PDR	Proxy Demand Resource
PNBEPH	National Program of High Hydroelectric Energetic Potential Power Plants (Programa Nacional de Barragens de Elevado Potencial Hidroeléctrico)
Porthos	Port of Rotterdam CO <sub>2</sub> Transport Hub & Offshore Storage
PTE	Panel of technical experts
RBMP	River Basin Management Plan
RED	Renewable Energy Directive
REN	National Electricity Grid (Portugal)
RES-E	Renewable sources
REV	Reforming the Energy Vision
RNT	National Transmission Grid (Rede Nacional de Transporte)
RO	Renewables Obligation
RTO	Regional transmission organisations
SABIMA	Norwegian Biodiversity Network
SEN	Sistema Eléctrico Nacional
SEP	Public Electricity System (Portugal)
SLC	Standard Licence Condition
SEN	National Electricity System (Portugal)
SRN	Liaison Committee of Nature Conservation
SWD	Staff Working Document
TCM	Technology Centre Mongstad



TCR	Targeted charging review
TNUoS	Transmission Network Use of System
TFEU	Treaty on the Functioning of the European Union
TPA	Third party access
TSO	Transmission system operator
UGS Tariff	Global Use of System Tariff
UKCS	United Kingdom continental shelf
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNFCCC	UN Framework Convention on Climate Change
WFD	Water Framework Directive
WTO	World Trade Organization



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