



CANADA-EUROPE TRANSATLANTIC DIALOGUE:
SEEKING TRANSNATIONAL SOLUTIONS TO 21ST CENTURY PROBLEMS

canada-europe-dialogue.ca

Policy Paper

September 2013

Multi-level Governance of Energy in the EU: a Model for the WTO?

Davide Soto Naranjo¹
McGill University

Introduction

Compressed between the Member States' reluctance to give up competence in a strategic sector like energy, and the necessity to regulate the energy market as a step towards the completion of the European Union (hereafter "EU") single market, the EU has put in place an innovative governance structure that now may be regarded as a model also beyond the European continent, in particular within the World Trade Organization (WTO). This new form of governance has fostered inclusiveness in the decision-making process with the participation of national energy regulators and energy stakeholders.

In this policy paper, the origins of the regulation of trade in energy will be explored from the beginning of the European integration process until today. Subsequently, an account of the state of play of the multi-level governance doctrine in EU scholarship will be given. Then, an analysis of the electricity forum will be conducted, identifying multi-level elements of it. Finally, the paper concludes by discussing the possibility of using the EU regulation of electricity as a model for the WTO.

¹ Davide Soto Naranjo recently obtained his LL.M degree from the Faculty of Law at McGill University. His research interests include international trade, development, as well as the study of processes of regional integration (Mercosur, the EU and the NAFTA), from a comparative perspective. With the Canada-Europe Transatlantic Dialogue in 2012 Davide carried out research at McGill on the role of the EU in the Arctic region.

Applying legal solutions that fit the EU to the WTO could appear hazardous due to the fact that these are very distinct systems with different constituency and decision-making mechanisms: in fact, the outcome of this endeavor could be affected by differences in the structure, evolution and scope of these two legal frameworks. Nevertheless, to avoid the risks of unfeasible comparisons, the assumption made in this paper is that two legal phenomena are comparable if they fulfill, in total or in part, the same function. The functional approach (Zweigert and Kötz 1998, 34) is the basis of the analysis that will be developed in this work: the proposition rests on the fact that the legal frameworks taken into consideration face the same or similar issues. To address these issues, one of them elaborates a viable solution that potentially could be applied to the other.

The Evolution of the EU Energy Sector

The origins of the EU have very close connections with energy: the European Coal and Steel Community Treaty (hereafter “ECSC Treaty”), signed in 1951, for the first time brought together in a community (Art. 1) those countries – France, West Germany, Italy, Belgium, the Netherlands and Luxembourg – that six years later gave origin to the European Economic Community (hereafter “EEC”). Together with the EEC, those same six countries created an energy-oriented organization, the Euratom, to strengthen their energy independence through the creation of a single market and a common regulator of nuclear energy. The EEC, was renamed “European Community” (hereafter “EC”) by the Treaty of Maastricht in 1992, which also created the European Union on a pillar structure, in which the EC occupied the first pillar. With the Treaty of Lisbon, in 2009, the EC was absorbed by the EU and the pillar system was dismantled.

Despite the strong link between energy and the original process of European integration, the EC Treaty had been silent on these issues for a long time: the EC treaty, in fact, originally did not deal with the energy sector at all, and no mention of energy could be found. This resembles the present-day WTO, which lacks specific regulation for trade in energy. As a consequence, until recently, the GATT/WTO was not considered as having a direct bearing on international energy trade, mainly because most international trade in energy involved sales by non-WTO Members, to whom GATT/WTO rules do not apply (Yanovic 2011, 3), and also because, in principle, WTO rules do not apply to transactions between Members and non-Members. With the recent accession of Ukraine, Saudi Arabia, Russia and Kazakhstan to the WTO this situation has changed, and energy is now gaining in importance within the WTO.

Within the EU, various interpretations have been given on the initial silence of the EC Treaty. Some commentators argued that the intention was to treat energy in the same way as any

other sector in the European integration process (Eikland 2011, 17-18). Other scholars, instead, have argued that the energy sector has unique characteristics which make it necessary for the EU to include special energy provisions in the EU's primary law (Cameron 2007, 42).

In the absence of a clear provision at the treaty level enabling the EC Institutions to put in place policies in the field of energy, the EU developed various legislative competences of indirect nature, that is, not specifically dealing with energy, to build a European energy policy (Gramlich 2012, 380): the approximation of laws for completing a single market (Art. 95 of the EC Treaty, now Art. 114 of the Treaty on the Functioning of the European Union, hereafter "TFEU"), the creation of trans-European networks (Arts. 154-156 of the EC Treaty, now Arts. 170-173 TFEU), and the establishment of a common commercial policy (Art. 133 of the EC Treaty, now Art. 207 of the TFEU) (Cameron 2007, 43).

The first significant action taken by the EU Institutions to create a common energy policy was the 1968 memorandum presented by the Commission to the Council of Ministers (hereafter "Council"), *First guidelines for a Community Energy Policy*. In this memorandum, the Commission provided an action framework to construct this policy and it suggested that harmonization of national legislation was to be initialized to eliminate technical obstacles to trade in energy. From the memorandum it is clear that, in the view of the Commission, the energy industry should be subjected to the rules of free trade and free competition. The memorandum also confirms that even at that early stage of the European integration process – when no reference to energy could be found in the EC Treaty – the Commission implicitly agreed with those who thought that the EC Treaty was applicable to the energy sector.

With the Single European Act (1987), the legal basis for Community action in the field of energy expanded with the inclusion of Community competences in the field of environmental protection (Art. 175 EC Treaty, now Art. 192 TFEU). The Single European Act also expanded the competence of the Community in the definition of policies "for the prudent and rational utilization of natural resources" (Art. 174 EC Treaty, now Art. 191 TFEU).

With the creation of the Treaty establishing the European Union (hereafter "TEU") in 1992, some significant changes were made. The TEU amended Art. 3 EC Treaty, including "measures in the spheres of energy, civil protection and tourism" (Art. 3(u) EC Treaty, consolidated version, now Art. 4(i) TFEU) into the list of common policies that the EU has to implement. Moreover, Art. 154(1) EC Treaty (consolidated version, now Art. 170 TFEU) established that "the Community shall contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures." Although a distinct legal basis for action

in the field of energy was finally created with the TEU, inter-institutional disputes over the correct identification of the legal basis for the EU action in this sector have occurred afterwards (see *Parliament v Council*, case C-413/04 2006, *Parliament v Council*, case C-414/04 2006, and *Commission v Council*, case C-281/01 2002).

With the Treaty of Lisbon and the introduction of the TFEU (which replaced the EC Treaty), energy has now been included in the list of the competences shared between the EU and its Member States (Art. 4(2)(i) TFEU). Moreover, within the TFEU an entire Title (XXI) is dedicated to energy, yet, surprisingly, it only consists of one provision (Art. 194). According to this provision, the EU energy policy shall aim, in a spirit of solidarity between the Member States, to:

- (a) ensure the functioning of the energy market;
- (b) ensure security of energy supply in the Union;
- (c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and
- (d) promote the interconnection of energy networks.

Art. 194(2) also makes direct reference to the provision of Art. 192(2)(c), establishing that the action of the EU Institutions “shall not affect a Member State’s right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, without prejudice to Article 192(2)(c).” Article 192(2)(c) provides that in case of measures “significantly affecting a Member State’s choice between different energy sources and the general structure of its energy supply” the Council shall act “in accordance with a special legislative procedure and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions.” In reading together Art. 192(2)(c) and Art. 194(2), it can be inferred that on matters of choice between different energy resources, each Member State preserves its sovereignty unless the Council, in which all Member States are represented, unanimously decides otherwise.

Over the years, the EU Institutions have developed and implemented a number of provisions concerning energy. Under the impulse of the Commission, whose role has been to promote the creation of a comprehensive energy regulation within the EU, a complete set of European energy policy measures has been introduced at the Community level (European Commission 2007). These norms can be divided into general and specific provisions for the following policy areas: oil, gas, electricity, energy efficiency, trans-European energy networks, radiation protection and nuclear energy; however, the latter mainly falls within the Euratom treaty.

The creation of a specific policy for energy within the EU required time and great effort of the EU Institutions – and in particular the Commission – to overcome conflicting political interests. The EU, in fact, had to mediate among, national regulators – who were reluctant to give away control over energy regulation policies – the private sector – wanting to gain voice on energy matters – and the Commission – which was persuaded that a single energy market was in order. The solution was the creation of multi-level governance mechanisms capable of fostering the inclusiveness of the system and allowing the Community to advance towards a single energy market.

The 'New Governance' of the EU

In the energy sector, the Community found the necessary means and modalities to elaborate and update a fairly thorough legislative framework (Cross 2008, 225). These techniques are based on the idea that deliberations at the EU level should be made through an exchange of arguments between affected parties about the best way to address collective problems (Brassett, Richardson and Smith 2010, 3). Scholars have variously referred to the distinctive features of this EU form of governance as, *inter alia*, 'good governance' (Curtin and Wessel 2005), 'multi-level governance' (Marks, Hooghe, and Blank 1996) and 'experimentalist governance' (Sabel and Zeitlin 2008). Literature on European governance is rich and comprises both political science and legal scholarship. Scholars have theorized the EU's evolving political and legal systems by proposing a plethora of theoretical models that attempted to capture the unique character of the EU.

In its first stage, debate mainly concerned (and was essentially limited to) the hybrid character of the Community, defined as a mix of inter-governmental and supranational elements. During the 1990s, the term “multi-level governance” was first employed to capture the uniqueness of the EU's architecture. Finally, Wallace's famous definition of the Community has remained: something “less than a federation [but] more than a regime” (Wallace 1983). Specifically in the energy sector, new forms of governance emerged in “a technically complex, strategically uncertain and highly politicized policy environment that traditional governance approaches were unable to address properly [...]” (Eberlein 2007, 7). Clear examples of this new governance are in the EU's regulation of gas and electricity.

The EU's 'New Governance' in the Energy Sector: the Electricity and Gas Forums

During the 1990s, the Electricity Regulation Forum (also called the Florence Process) and

the Gas Regulatory Forum (also referred to as the Madrid Process) were set up as institutional sites for the collective (as opposed to top-down) development of electricity and gas regulation. These bodies go beyond traditional consultative instruments, as they offer a novel platform for informal and open discussion as well as voluntary regulation. The composition of these forums is crucial to understand their function as well as their uniqueness: chaired by the Commission, they meet twice a year, bringing together national regulatory authorities and ministers, important industrial actors and stakeholders (mainly network operators and representatives of the electricity and gas industries), as well as energy industry and consumer group representatives and sector traders.

The purpose of these forums is to create an informal body that would develop outside of and beyond the direct contraposition between the Member States with legal, non-binding rules that would be more easily assimilated into the legislative process by the EU Institutions. The traditional way of regulating network industries mainly relied on the will and awareness of the regulators. In this new scheme, instead, the voice of stakeholders has been far more heard within the regulatory process of gas and electricity in the EU. Open discussions among the stakeholders are now the prevailing characteristic, which ultimately contributes to making the new rules more comprehensive and adaptable.

The electricity forum can be used as an example to understand in detail how participatory mechanisms influence the regulatory activity in the energy domain. The creation of the electricity forum was followed by the diffusion of similar platforms of regulation, such as the European Regulators Group (EREG) and Regional Electricity Initiatives (REIs). As for the latter, the network of energy regulators, organized in the EREG and the Council of European Energy Regulators (CEER), represents a second, more specialized platform of regulation in which the joint elaboration and improvement of rules are performed among the regulators.

The success of the EREG and CEER, which has determined the success of the electricity forum, is due to the fact that these restricted platforms provide mechanisms of mutual monitoring, reporting and peer review of national regulators. National regulators ultimately seek to protect their credibility within the forum as well as in specialized bodies by complying with standards and best practices deriving from their EU associations as well as other national regulators.

The forum operates as a collective body which brings together lower-level units and stakeholders to elaborate a workable implementation plan (Eberlein 2007, 9). A good example of the achievements of this mechanism of governance can be found in the creation of the cross-border tariffication system, which happened in three phases. The first phase consisted of the identification and comparison of regulatory alternatives for transmission pricing. Experts from jurisdictions

identified by the forum as possible models were invited to participate and give presentations to the first Electricity Forum meeting. Subsequently, among the available practicable experiences taken into account, the Forum opted for a model of tarification, the so called non-transaction based approach. Finally, the Forum adopted this approach as a best-practice for the governance of transmission tarification.

The second step, which is still ongoing, is to review and monitor the progress in the rule implementation. In fulfilling this task, the Forum conducts a continuous and collective regulatory dialogue between the regulators and the regulated stakeholders as well as third party stakeholders – notably consumer representatives and Non-governmental Organizations (hereafter “NGOs”). The relevance of this second function is two-fold: first, within the Forum, the regulatory authorities as well as third parties (consumers and NGOs), establish an informal mechanism of direct communication and negotiation that makes the implementation of rules more effective; secondly, through the Forum, the EU Institutions interface with a single body – as opposed to a single, separated stakeholder group – through which they have a dialogue with their counterparts. Hence, EU Institutions are able to reach regulators, user groups, industry representatives as well as other sectorial stakeholders at the same time, thus improving the level of effectiveness and transparency of EU decision-making and implementation processes.

The third step, also still in place, consists of revision of the policy objectives and procedures. To this end, in September 2004, at the 11th Electricity Forum meeting, a series of Mini Forums were convened (European Electricity Regulatory Forum 2004). These bodies have a similar composition to the Forum, but they act on a regional basis: for this purpose, seven sub-regions for electricity grids were identified, and the Mini Forums were required to provide a timetable for the introduction of, at least a day in advance, coordinated market allocation mechanisms for trade liberalization (Ibid.).

The three steps described above represent a new form of governance, both in the way decisions are made (a mix of consensus and self-regulation) and the composition of the Forum, which includes ancillary bodies, such as the regional Mini Forums, REIs, the CEER and the ERGEG. These bodies, although they do not possess hard-law decision-making powers, are very influential both for the EU Institutions and Member States: their authority, in fact, mainly derives from their composition and ability to perform their tasks in a transparent and effective manner. The clearest evidence of the effectiveness of this model is the “Regulation on Cross-Border Exchanges in Electricity,” part of the 2003 legislative package on electricity, which codified the substantive proposals elaborated within the Electricity Forum (Eberlein and Newman 2008, 43).

The Applicability of the Electricity and Gas Experimentalist Model to the WTO

Can the experimentalist governance of the EU represent a model for other regulative frameworks, and specifically for the WTO, in case new rules on energy were to be created? Before addressing this question, a preliminary question should be asked: how far-reaching can new governance techniques be within the EU, and more specifically in the EU energy sector? EU experimentalist mechanisms, such as the energy and gas forums, have been created mainly to facilitate the legislative process and overcome decision-making deadlocks. Therefore, the EU's experiences may be seen as a way out from the impasse in those aspects of the current international energy market in which win-win outcomes are difficult to achieve because the interests of some countries are opposed to the interests of others.

Specifically, the Electricity and Gas Forums have proved to be a valid instrument for the identification and elaboration of workable regulatory solutions such as tariffication, especially in a sector where, before the forums, the possibility to elaborate a EU policy was very limited, due to political conflicts. Experimentalist mechanisms have extended the number and scope of actors in the decision-making process as well as in other important phases of the governance of this sector, notably the enforcement of best practices and the revision of policies.

As was the case in the European Community – before the reforms that led to the creation of an energy policy – in the WTO, there is an increasing demand for regulation on trade in energy. In evaluating possible options within the WTO, the European experience could serve as a lesson for the WTO. Some elements of inclusive governance can already be identified in other fields within the WTO, for example, in the rules derived from international standard setting bodies for the regulation of sanitary and phytosanitary measures, regulated in the Agreement on Sanitary and Phytosanitary Measures (hereafter “SPS Agreement”), as well as for technical barriers to trade, regulated by the Technical Barriers to Trade Agreement (hereafter “TBT Agreement”).

A clear example is the use of the Codex Alimentarius (hereafter “the Codex”) as a standard for the harmonization of food safety standards for the application of the SPS Agreement. The SPS Agreement provides that harmonized sanitary and phytosanitary measures between Members shall be applied on the basis of international standards, guidelines and recommendations developed by the relevant international organizations, including, among others, the Codex Alimentarius Commission, created in 1963 as a joint project of the United Nations Food and Agriculture Organization and the World Health Organization. The international standards produced by the Codex aid the harmonization process by providing a point of reference for the unification of

domestic food regulation. The deliberations of the Codex support informal policy convergence by providing a forum for the diffusion of scientific knowledge and regulatory best practices. In setting these standards, NGOs, International Governmental Organizations as well as other stakeholders have a role in the process of decision-making.

There is a strong affinity between the modus operandi of the Codex Alimentarius and the European Safety Agency, to the extent that these two bodies are directly interconnected. In fact, both the EU and its individual Member States are parties to the Codex, as well as the European Food Safety Agency (EFSA) and both the EFSA and the Codex form part of the same regulatory network (Cohen and Sabel 2005, 786). However, while in food and plant safety standards an affinity can be found between the EU and the WTO, the same cannot be said for the energy sector due to the fact that no agreements or specific rules exist for this sector in the WTO.

A Possible Application of the EU Model within the WTO: the Regulation of Energy Subsidies

A specific domain within the WTO where experimentalist techniques could be applied is the global regulation of subsidies for the energy sector. Introducing a specific global regulation for energy subsidies is a compelling notion. In fact, at the 2009 G-20 Summit in Pittsburgh, Leaders agreed “to phase out and rationalize over the medium term inefficient fossil fuel subsidies while providing targeted support for the poorest [further noting...] Inefficient fossil fuel subsidies encourage wasteful consumption, reduce our energy security, impede investment in clean energy sources and undermine efforts to deal with the threat of climate change” (G-20 2009).

As stated by the G-20 Leaders in Pittsburgh, subsidies are a key issue, because they are an instrument that bridges trade and other policies, such as environmental protection and development. One argument in favor of the use of subsidies is that in case of market failure, subsidies can redress distortions when the market is not able to provide an optimal distribution or exploitation of resources. Subsidies to the energy sector may be used for different purposes; while subsidies for fossil fuels generally are justified on the basis of equal access to energy resources, subsidies for renewable energy are justified on environmental bases.

The most controversial of the two kinds of subsidies, is that for the fossil fuels industry; often presented as a mechanism to grant access to energy resources for the poorest, they usually offer greater benefits for those who already have access to energy-intensive goods and services (Victor 2009). Yet, this large use of subsidies for fossil fuels – the expenditure for which in 2010 topped USD 400 billion (OECD 2011) – contrasts with the efforts to combat climate change and

improve global resource distribution. Furthermore, the current WTO regulation on subsidies treats renewable energy and fossil fuels subsidies alike, making the negotiation for energy-subsidies reduction an urgent issue at the WTO.

Reforming energy subsidies has been one of the most debated issues within the WTO in recent years because of the close connection between fossil fuel subsidies and climate change, as well as economic development. The discussions within the WTO on a possible reform of energy subsidies has come to a deadlock and the need to build consensus on the creation of global energy governance has been expressed by commentators (Cottier 2011, 221), as well as the WTO's Secretary-General (Lamy 2013).

Cottier (2011, 227) suggests creating a committee that would specifically deal with energy subsidies. In his view, the tasks of this body should be three-fold. In a first phase this committee would "examine whether each Member's energy subsidy notifications sufficiently represent the level of support in this sector. Later, these functions would be assigned to a committee servicing the Framework Agreement on Energy" (Ibid.). Subsequently, this committee would provide countries with deadlines by which they would have to prepare a national roadmap for subsidy reforms: the committee would have discretionary powers in identifying harmful subsidies as well as the timeline for their abolition. In the third phase, "[e]ventually all the roadmaps for subsidy reforms should be submitted to the committee and be approved by Members so that they could become an integral part of the Members' WTO commitments" (Ibid., 228). This committee could follow the pathway traced by the EU in the domain of the governance of the electricity sector: alongside Member States, other stakeholders could also be a part of it. In this way, representatives of the energy industrial sector and energy consumers, NGOs, as well as national independent authorities could participate as full members in the WTO's governance of energy.

Two main issues related to the creation of this committee may be solved by introducing a new governance of energy subsidies in the WTO: the legitimacy and the effectiveness of this instrument. The composition of this committee and its inclusiveness would be generally perceived as a high-profile decision-maker and controller, and, arguably, would gain full consideration *vis-a-vis* the Member States. Ultimately, this committee would contribute to the success of the governance of the domain of the energy subsidies at the WTO level. Furthermore, the creation of this mechanism of rule-making and control would likely have the effect of reducing the task of the dispute settlement system (DSU). The committee, in fact, would balance the national interests in order to maintain subsidies with environmental protection necessities on a case-by-case basis. This evaluation is currently delegated to the DSU system, which examines the conformity of the national

measures with the exceptions included in the GATT and the other covered agreements.

Conclusion

The introduction of experimentalist instruments within the WTO would bring about a significant change in the structure and the nature of the WTO's energy governance. Changes of this nature would be even more striking within the WTO than had been in the EU because of the limitedness of scope of the former. The WTO, in fact, is an international organization that is inter-governmental in nature: the prevailing decision-making rule is consensus among members and there are no institutions comparable to the European Commission that can establish (or be part of the creation process of) policies. Furthermore, legal instruments that significantly contributed to the evolution of the European integration process, such as secondary legislation (mainly the regulations and the directives), do not exist in the WTO. However, some elements that can be ascribed to experimentalist practices may already be identified; an example is the use of the Codex Alimentarius as a standard setting mechanism for the TBT and SPS.

Within the EU, the conferral of policy-making and control powers to bodies like the electricity and gas forums has proven to be successful. Specifically, experimentalist arrangements demonstrated to be effective in those domains (e.g. tariffication) where conflicting interests between Member States could potentially threaten the integration process. Likewise, a specialized committee is a potential solution to break regulatory deadlocks and create an "ad hoc" discipline for energy subsidies. In creating such a committee, the EU Electricity Forum could serve as a model for the WTO to regulate the use of the energy subsidy and provide an evaluation of their compatibility on a case-by-case basis. Not only would this committee improve the effectiveness of the WTO legal framework, but it may also reduce the workload of the WTO's judicial system.

ACKNOWLEDGEMENTS

I would like to thank Marcel Sangsari of the Canada-Europe Transatlantic Dialogue for his precious help with editing this paper and Professor Armand de Mestral of McGill University for his guidance in my research on EU energy law.

REFERENCES

- Brassett, James, Ben Richardson, and William Smith. 2010. "Experimentalist governance, deliberation and democracy: A case study of primary commodity roundtables." CSGR Working Paper 270/10. Centre for the Study of Globalisation and Regionalisation, University of Warwick, UK. Accessed 4 September 2013.
<http://www2.warwick.ac.uk/fac/soc/csgr/research/workingpapers/2010/27110.pdf>
- Cameron, Peter. 2007. *Competition in Energy Markets: Law and Regulation in the European Union*. Oxford: Oxford University Press.
- Cohen, Joshua and Charles Sabel. 2005. "Global Democracy?" *Journal of International Law and Politics*. 37(4): 763-798. New York University.
- Cottier, Thomas, and Delimatsis Panagiotis. 2011. *The Prospects of International Trade Regulation: From Fragmentation to Coherence*. Cambridge: Cambridge University Press.
- Cross, Eugene et al. 2008. "EU Energy Law." In *Energy Law in Europe*, edited by Martha Roggenkamp. 225-49. Oxford: Oxford University Press.
- Curtin, Deirdre, and Ramses Wessel A. 2005. *Good Governance and the European Union: Reflections on Concepts, Institutions and Substance*. Antwerp-Oxford-New York: Intersentia.
- Eberlein, Burkard. "EU Experimentalist Governance in the Energy Sector." Paper prepared for presentation to "EU Governance: Towards a New Architecture?" International Workshop, University of Wisconsin-Madison, Madison, April 20-21, 2007. Accessed August 22, 2013.
eucenter.wisc.edu/Conferences/GovNYDec06/Docs/EberleinApril.pdf
- Eberlein, Burkard, and Abraham, Newman. 2008. "Escaping the International Governance Dilemma? Incorporated Transgovernmental Networks in the European Union." *Governance: An International Journal of Policy, Administration, and Institutions*. 21(1): 25-52.
- Eikland, Per Over. 2011. "EU Internal Energy Market Policy." In *Toward a Common European Union Energy Policy: Problems, Progress, and Prospects*, edited by John S. Duffield and Vicki L. Birchfield. 13-40. New York: Palgrave Macmillan.
- European Commission. First guidelines for a Community energy policy. Memorandum presented by the Commission to the Council. COM (68) 1040 final, 18 December 1968. Bulletin of the European Communities, Supplement to No. 12/1968.
- . 2007. "An energy policy for Europe". Communication from the Commission to the European Council and the European Parliament of 10 January 2007. [COM(2007) 1 final - Not published in the Official Journal].
- European Electricity Regulatory Forum. "Conclusions of the Eleventh Meeting of the European Electricity Regulatory Forum." Rome, 16-17 September 2004. Accessed September 4, 2013.
http://ec.europa.eu/energy/electricity/florence/doc/florence_11/conclusions.pdf
- EU Regulation 2003/1228/EC of the European Parliament and the Council on the conditions for access to the network for cross-border exchanges in electricity, OJ L176/1. 15 July, 2003.
- G-20. "Pittsburgh Summit Declaration." September 25, 2009. Accessed August 22, 2013.

www.mea.gov.in/Images/pdf/pittsburgh.pdf

- Gramlich, Ludwig. 2012. "Regulating Energy Supranationally: EU Energy Policy." *European Yearbook of International Economic Law*. 3 (1): 371-404.
- Lamy, Pascal. 2013. "Energy Policy and the WTO." Speech given to the Workshop on the Role of Intergovernmental Agreements in Energy Policy organized by the Energy Charter Secretariat in Geneva on 29 April 2013. Accessed 22 August, 2013.
http://www.wto.org/english/news_e/sppl_e/sppl279_e.htm
- Marks, Garry, Liesbet Hooghe, and Kermit Blank. 1996. "European Integration from the 1980s: State-Centric v. Multi-Level Governance." *Journal of Common Market Studies*. 34: 341-378.
- OECD. 2011. "Inventory of Estimated Budgetary Support and Tax Expenditures for Fossil Fuels." OECD Publishing.
- Sabel, Charles F., and Jonathan Zeitlin. 2008. "Learning from Difference: The New Architecture of Experimentalist Governance in the EU." *European Law Journal*. 14(3): 271-327.
- Victor, David. 2009. *The Politics of Fossil Fuels*. Geneva: International Institute for Sustainable Development.
- Wallace, William. 1983. "Less than a Federation, More than a Regime: The Community as a Political System." In *Policy-Making in the European Community*, edited by Helen Wallace, William Wallace and Carole Webb. 403-436. Chichester: Wiley.
- WTO Council for Trade in Services. Special Session. Communication from the United States. Initial Offer, TN/S/O/USA/REV/1. 9 April, 2003.
- Yanovic, Alan. 2011. "WTO Rules and the Energy Sector." In *Regulation of Energy in International Trade Law*, edited by Yulia Selivanova. 1-47. Alphen aan den Rijn: Kluwer Law International.
- Zweigert, Konrad and Hein Kötz. 1998. *An Introduction to Comparative Law*. Third Edition. Oxford: Oxford University Press.