

BOOK REVIEW

THE EUROPEAN ENERGY LAW REPORT IV edited by Professor Roggenkamp and Professor Hammer Published by (Intersentia, 2007)*

This is the fourth instalment of the European Energy Law Reports edited by Professors Roggenkamp and Hammer.¹ Like its predecessors, it is the result of papers presented at the annual European Energy Law Seminars and highlights pertinent legal and economic developments concerning energy law in the EU.

Overview

This year's Report features four separate, yet thematically interconnected Parts. Parts I and II focus on the developing EU energy market. Part I examines the EU's efforts to create an internal energy market whilst Part II assesses the policies and legal frameworks put into place in the EU to develop a sustainable energy market. Part III is concerned with a particular aspect of current EU sustainability policy, the trading regime in energy efficiency certificates (so-called 'white certificates') and its implementation at member state level. And finally, Part IV of the Report analyses the establishment of a cross-border subsea-interconnector featuring the 'Nor-Ned Cable'.

Relevance to the Australian Reader

Parts I and IV of the Report are EU specific, featuring discussions of EU internal energy market processes, including the effects of the implementation of several EU Gas and Energy Directives, and of subsea-interconnectors. Whilst certainly appealing to those readers with an interest in the complex EU competition law or the implementation of electricity or gas transmission directives, these parts will only be of indirect relevance to Australia. However, the two remaining Parts II and III of the Report are highly relevant to Australia and make this Report compulsory reading for everyone with an interest in sustainability and energy markets.

Highly relevant – Parts II and III of the Report

Part II of the Report commences by providing a detailed insight into the policy and regulatory efforts to establish a sustainable energy market in the EU and its member states. Of particular interest to Australia are the Chapters considering in detail the EU's CO₂ emissions trading regimes (Chapter 4) and the in-depth analysis of the policy and regulatory framework with which the EU aims to achieve a sustainable energy market (Chapters 5 and 7).

With Chapter 4, the Report provides a detailed discussion of the CO₂ emission trading regimes both at supra-national and at national level. Focusing on allowances and their allocations, a comparative analysis of the implementation regimes in the UK, Germany, the Netherlands as well as other EU member states such as Poland, Sweden and Estonia is provided. In relation to

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¹ For a review of the European Energy Law Reports I – III and the fourth publication in the Energy & Law Series published by Intersentia, see T John 'The European Law Reports I to III' (2006) 25 ARELJ 359.

allocations at national level, the Chapter provides a summary of the UK's challenge to its allocation before the European Court of Justice.²

Chapters 5 and 7 provide an in-depth analysis of the policy and regulatory framework that promotes energy efficiency in the EU. Of particular interest is Chapter 7 which introduces the reader to the relevant EU Directives and other relevant key documents devised to increase efficiency. The Chapter further provides a detailed overview of regulatory tools deployed by the EU and its member states to achieve sustainability, including benchmarking, tax measures, voluntary agreements and so-called 'white certificates'.

'White certificates' are dealt with in considerable detail in Part III of the Report. This Part focuses on the promotion of energy efficiency and, specifically, on the trade in 'white certificates'. These certificates were devised as a special regulatory tool to promote energy efficiency in the EU. Not only is the reader introduced to the relevant EU law proscribing the trading regime, but the complex trading regime is explained by using both plain language and very helpful diagrams. Further, the Part examines and discusses the manifold ways in which this regulatory tool can be, and has been, implemented at member state level. This comparative analysis of the implementation processes in Italy, France, the Netherlands and the UK is particularly interesting as it highlights the significant differences that exist amongst these member states as well as the complex problems that arise from these differences.

Conclusion

Similar to its three predecessors, this Report covers a wide range of topics. However, despite the Report's 'European' subject matter, it is highly relevant to the current debates amongst politicians, scientists and policy makers in Australia. The detailed analysis of policy and law as well as the difficulties encountered during the policy implementation, make this Report again compulsory reading for regulators, law makers and corporations.

² *United Kingdom v Commission*, Judgment of the Court of First Instance, Matter No 2006/C 22/27.