

ELSA Renewable Energy Report

*International Focus Programme
on Environmental Law*

International Legal Research Group
on Renewable Energy (eds)



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Preface

The International Legal Research Group on Renewable Energy is the result of the hard work of many individuals all over the European continent, from law students to our academic supporters from every corner of our part of the earth.

The main aim of the paper was to analyse the renewable energy policies and legislative framework set up by EU Member States and non-EU countries, and ascertain what measures are being taken on the national (and international level). This also allowed for researchers to broaden their knowledge in this vast field of law, as well as hone their legal writing skills; both will prove to be invaluable assets throughout their career.

The report will start with the acknowledgements, to thank the abovementioned individuals for their time and passion. After this, a short explanation follows of what ELSA is and what Legal Research Groups are.

After this, our readers may find the Academic Framework – the set of questions all National Researchers have set out to answer. The Framework is then followed by the reports from each participating country, in alphabetical order.

About ELSA

1. What is ELSA?

ELSA is a non-political, non-governmental, non-profit making, independent organisation which is run by and for students. ELSA has 44 Member and Observer countries with more than 375 Local Groups and 69,000 students. It was founded in 1981 by 5 law students from Poland, Austria, West Germany and Hungary. Since then, ELSA has aimed to unite students from all around Europe, provide a channel for the exchange of ideas and opportunities for law students and young lawyers to become internationally minded and professionally skilled. Our focus is to encourage individuals to act for the good of society in order to realise our vision: “A just world in which there is respect for human dignity and cultural diversity”. You can find more information on elsa.org.

2. Legal research groups in ELSA

A Legal Research Group (LRG) is a group of law students and young lawyers carrying out research on a specified topic of law with the aim to make their conclusions publicly accessible. Research Groups from ELSA’s member countries are created to extensively research a particular framework in their national context, after which all the reports are collected and compiled by ELSA International.

Legal research was one of the main aims of ELSA during our early years. When ELSA was created as a platform for European cooperation between law students in the 1980s, sharing experience and knowledge was the main purpose of our organisation. In the 1990s, our predecessors made huge strides and built a strong association with a special focus on international exchange. In the 2000s, young students from Western to Eastern Europe were facing immense changes in their legal systems. Our members were part of such giant legal developments such as the EU expansion and the implementation of EU Law. To illustrate, the outcome of the ELSA PINIL (Project on International Criminal Court National Implementation Legislation) has been the largest international criminal law research in Europe. In fact, the final country reports have been used as a basis for establishing new legislation in many European countries.

The results of our more recent LRGs are available electronically. ELSA for Children (2012) was published on Council of Europe's web pages and resulted in a follow up LRG (2014) together with, among others, Missing Children Europe. In 2013, ELSA was involved in Council of Europe's ‘No Hate Speech Movement’. The final report resulted in a concluding conference in Oslo that same year and has received a lot of interest from academics and activists in the field of discrimination and freedom of speech. The results of the LRG conference, a guideline, have even been translated into Japanese and were presented in the Council of Europe and UNESCO!

3. What is the Legal Research Group on Environmental Law?

This International Legal Research Group was the product of more than 350 applications from over 34 countries, following a call from ELSA International for young lawyers and law students to stand up and write about environmental law. With comparative research of this scale, ELSA aims to foster mutual understanding amongst those shaping the future of law.

The report coincides with the conclusion of the three-year International Focus Programme of ELSA. The International Focus Programme (IFP) aims to focus the attention of the young legal world on relevant topic, and extensively educate its members on this topic factor the duration of these years.

The International Focus Programme on Environmental Law featured many wonderful feats of cooperation, such as an online conference/webinar on Environmental Law with the Council of Europe, the creation of a special edition of the ELSA Law Review focused on environmental law, several International Conferences and much more. This report, serving to look closely at the link between environmental law and energy law, is now one of such highlights.

Acknowledgements

This Legal Research Group came into existence thanks to the immense effort from several individuals, from the national level all through the international, and from the professional to the student level.

Firstly, the National Coordinators for managing their groups and submitting the reports, their respective teams for doing the wonderful groundwork of actually researching and writing – there would be no publication without your contributions.

Secondly, our wonderful external supporters, from MC Academy in Brussels to Wolf Legal Publishers in Tilburg. From helping us draft the academic framework through the nitty-gritty of the formatting, the publication would be nowhere near its current level without your advice.

It was a pleasure to work with you all. The report will be published at a crucial point for the development of environmental law, and while challenges will always remain ahead, we will always be one step closer to the solution through collaborative and comparative effort.

Thankfully yours,

Eva, Jake, Elna, Blanka, Artem, Fani, Oļegs and Frederik

The International Coordination Team of the International Legal Research Group on Renewable energy

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Academic Framework

1. Does your country have energy and/or environmental strategy policies?
2. Is your country an energy producing, consuming or transiting jurisdiction?
3. Is your country a party to any international energy treaties and any other international arrangements that might have a direct or indirect impact on the domestic energy sector?
 - 4a. If your country is a Member State of the European Union, please provide a concise analysis of the extent to which your country's renewable energy and environmental laws and regulations are compatible with EU law.¹
 - 4b. If your country is not a Member State of the European Union, please give a concise description of any policy or legal arrangements that have been made between your country and the EU as far as renewable energy and environmental protection are concerned.²
5. Has your country been involved in any international or regional energy or environmental legal disputes?
6. Please give a full description of the main domestic energy and environmental legislation in your country, including relevant case law if available.
7. Has your country adopted any policy or legislation to promote and protect renewable energy infrastructures and production?

¹ This chapter is available for the following countries: Cyprus, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Romania, Slovenia, Spain, Sweden, United Kingdom.

² This chapter is available for the following countries: Albania, Azerbaijan, North Macedonia, Norway, Russia, Serbia, Turkey, Ukraine.