# Table of legislation

## EUROPEAN UNION

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission Decision of 27 April 2011 determining transitional Union-wide</td>
<td>422</td>
</tr>
<tr>
<td>rules for harmonized free allocation of emission allowances pursuant to</td>
<td></td>
</tr>
<tr>
<td>Council (OJ L130, 17.5.2011, p. 1)..................................................422</td>
<td></td>
</tr>
<tr>
<td>Commission Decision of 5 September 2013 concerning national implementation</td>
<td></td>
</tr>
<tr>
<td>measures for the transitional free allocation of greenhouse gas emission</td>
<td></td>
</tr>
<tr>
<td>allowances in accordance with Article 11(3) of Directive 2003/87/EC of</td>
<td></td>
</tr>
<tr>
<td>the European Parliament and of the Council (2013/448/EU) (OJ L240,</td>
<td></td>
</tr>
<tr>
<td>7.9.2013, p. 27).................................................................................422</td>
<td></td>
</tr>
<tr>
<td>Commission Decision of 27 October 2014 determining, pursuant to Directive</td>
<td></td>
</tr>
<tr>
<td>2003/87/EC of the European Parliament and of the Council, a list of sectors</td>
<td></td>
</tr>
<tr>
<td>and subsectors which are deemed to be exposed to a significant risk of</td>
<td></td>
</tr>
<tr>
<td>114–124)..........................................................................................422</td>
<td></td>
</tr>
<tr>
<td>Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guide-</td>
<td></td>
</tr>
<tr>
<td>line on capacity allocation and congestion management (OJ L 197, 25.7.2015,</td>
<td></td>
</tr>
<tr>
<td>pp. 24–72).........................................................................................64, 263</td>
<td></td>
</tr>
<tr>
<td>pp. 47–49)...............................................................................................464</td>
<td></td>
</tr>
<tr>
<td>procedure to improve the transparency of gas and electricity prices charged</td>
<td></td>
</tr>
<tr>
<td>to industrial end-users (OJ L 185, 17.7.1990, pp. 16–24)......................258</td>
<td></td>
</tr>
<tr>
<td>electricity through transmission grids (OJ L 313, 13.11.1990, pp. 30–33)</td>
<td></td>
</tr>
<tr>
<td>...............................................................................................259</td>
<td></td>
</tr>
<tr>
<td>through grids (OJ L 147, 12.6.1991, pp. 37–40)....................................259</td>
<td></td>
</tr>
<tr>
<td>labelling and standard product information of the consumption of energy</td>
<td></td>
</tr>
<tr>
<td>16–19).................................................................................................504</td>
<td></td>
</tr>
<tr>
<td>pollution prevention and control (OJ L257, 10.10.1996, pp. 26–40)..............418</td>
<td></td>
</tr>
<tr>
<td>L 182, 16.7.1999, pp. 1–19).....................................................................464</td>
<td></td>
</tr>
<tr>
<td>art 1.................................................................................................464</td>
<td></td>
</tr>
<tr>
<td>Community framework for the taxation of energy products and electricity</td>
<td></td>
</tr>
<tr>
<td>(OJ L 283, 31.10.2003, p. 51)................................................................24, 278, 279</td>
<td></td>
</tr>
<tr>
<td>recitals 2–7.........................................................................................278</td>
<td></td>
</tr>
<tr>
<td>recital 11 ..........................................................................................279</td>
<td></td>
</tr>
<tr>
<td>recital 28 ..........................................................................................279</td>
<td></td>
</tr>
<tr>
<td>art 4.................................................................................................279</td>
<td></td>
</tr>
<tr>
<td>art 19.................................................................................................279</td>
<td></td>
</tr>
<tr>
<td>Annex I, II .........................................................................................279s</td>
<td></td>
</tr>
<tr>
<td>.........................22, 159</td>
<td></td>
</tr>
<tr>
<td>on Member States to maintain minimum stocks of crude oil and/or petroleum</td>
<td></td>
</tr>
<tr>
<td>products (OJ L 265, 9.10.2009, pp. 9–23).............................................158</td>
<td></td>
</tr>
<tr>
<td>Decision No 1364/2006/EC of the European Parliament and of the Council of</td>
<td></td>
</tr>
<tr>
<td>6 September 2006 laying down guidelines for trans-European energy</td>
<td></td>
</tr>
<tr>
<td>Decision No 994/2012/EU of the European Parliament and of the Council of</td>
<td></td>
</tr>
<tr>
<td>25 October 2012 establishing an information exchange mechanism</td>
<td></td>
</tr>
</tbody>
</table>

---

xvii

Rafael Leal-Arcas and Jan Wouters - 9781786431059
Downloaded from Elgar Online at 04/15/2019 07:49:49AM
via free access
with regard to intergovernmental agreements between Member States and third countries in the field of energy (L 299, 27.10.2012, pp. 13–17) ....76
recital 5 ................................................................420
art 4 ................................................................476
art 3(6) ................................................................477
arts 21–22 ................................................................119
art 9 .................................................. 419
art 10a(5) .......................................... 423


arts 5, 8 ........................................... 465
art 15 .............................................. 465


recital 25 ........................................... 477
art 2(j) .............................................. 477
arts 2–4 ............................................. 461
art 6 ................................................. 478
arts 7–11 .......................................... 478

recital 21 ......................................... 419
recital 26 ......................................... 425
art 9 .............................................. 419
art 10(b) .......................................... 425


recitals 33, 34 .................................. 55
arts 9, 10 ........................................... 54, 56
art 22 ............................................... 56
art 37 ............................................... 56
Annex I, para 2 .................................. 365
Annex I, para 2(1) .............................. 356, 361
Annex I, para 2(4) .............................. 361, 363
Annex I, para 2(5) .............................. 357, 363

arts 9, 10 ........................................... 54, 56
art 13(4) .......................................... 56
art 22 ............................................... 56
art 34 ............................................... 55
arts 35–36 ....................................... 119
art 41 .............................................. 56

Rafael Leal-Arcas and Jan Wouters - 9781786431059
Downloaded from Elgar Online at 04/15/2019 07:49:49AM
via free access


recital 6 ..................................................................................465
art 1 ..................................................................................464

art 1 ..................................................................................361
arts 3, 5, 6 ..........................................................................506
art 7 ..................................................................................506
arts 812 .............................................................................506

art 9(1) ........................................................436, 357, 381, 362, 364
art 9(2)(b) ............................................................357, 359, 364


art 20 .............................................................................315


para 1 .............................................................................289


EC Treaty
art 6 .............................................................................278
art 93 ..........................................................................278
art 95 ...........................................................................20, 22
art 100 ...........................................................................22
art 175(1) .....................................................................20, 22

Energy Community Treaty 2006 ....... 129, 130, 131, 442
EU Charter of Fundamental Rights . 8, 314, 318, 319
art 7 ...................... 8, 354, 357, 358, 359–360, 363, 364, 368, 369
art 8 ................................. 358, 359, 368, 369
art 47 ................................. 318, 319
art 51 ...................................................... 318
art 52(1) ................................................... 361
European Atomic Energy Community
Treaty 1957 ............. 15, 39, 73, 148, 257
European Coal and Steel Community Treaty 1951 .............................. 15, 194, 257
European Convention for the Protection of Human Rights and Fundamental Freedoms .............................................. 251, 318, 319
art 3 ...................................................... 251
art 5(1)(b) .............................................. 252
art 5(3) ...................................................... 252
art 6 ...................................................... 318
art 8 ...................................................... 358
art 13 ...................................................... 318
art 4(1) ................................................... 331
art 14 ...................................................... 332
art 6(2), (3), (4) .............................................. 59
art 8 ...................................................... 37
art 9(1) ................................................... 57
art 16(1) ................................................... 57
recital 6 ...................................................... 263
recital 17 .............................................. 58
art 3 ...................................................... 54
art 4 ...................................................... 58
art 6 ...................................................... 58
art 6(2) ...................................................... 263
art 9 ...................................................... 59
art 9(2) .................................................... 59
art 17 ..................................................... 55
art 17 ..................................................... 55, 57
art 17(5) .................................................... 57
art 17(7) .................................................... 55
art 17(8) .................................................... 55
art 18 ..................................................... 58
recital 16 .............................................. 58
art 3 ...................................................... 54
art 4 ...................................................... 58
art 6 ...................................................... 58
art 9 ...................................................... 59
art 9(2) .................................................... 59
art 17(5) .................................................... 57
art 17(7) .................................................... 55
art 17(8) .................................................... 55
art 18 ..................................................... 58
recital 18 .............................................. 58
art 3 ...................................................... 54
art 4 ...................................................... 58
art 6 ...................................................... 58
art 9 ...................................................... 59
art 9(2) .................................................... 59
art 17(5) .................................................... 57
art 17(7) .................................................... 55
art 17(8) .................................................... 55
art 18 ..................................................... 58

Table of legislation  xxi
down general rules for the granting of Community financial aid in the field of trans-European networks (OJ L 27, 30.1.2010, pp. 20–32) ...........................................81
<table>
<thead>
<tr>
<th>Article/Section</th>
<th>References</th>
</tr>
</thead>
<tbody>
<tr>
<td>17(1)</td>
<td>39</td>
</tr>
<tr>
<td>21(3)</td>
<td>39</td>
</tr>
<tr>
<td>22(1)</td>
<td>39</td>
</tr>
<tr>
<td>Treaty on the Functioning of the European Union 2009 (TFEU)</td>
<td>18, 257, 475</td>
</tr>
<tr>
<td>2(2)</td>
<td>477, 478</td>
</tr>
<tr>
<td>4</td>
<td>31, 40</td>
</tr>
<tr>
<td>4(1)</td>
<td>314</td>
</tr>
<tr>
<td>11</td>
<td>18, 21</td>
</tr>
<tr>
<td>21</td>
<td>315</td>
</tr>
<tr>
<td>37</td>
<td>21</td>
</tr>
<tr>
<td>81, 82</td>
<td>318</td>
</tr>
<tr>
<td>101</td>
<td>50, 51</td>
</tr>
<tr>
<td>108(3)</td>
<td>60</td>
</tr>
<tr>
<td>113</td>
<td>278</td>
</tr>
<tr>
<td>114</td>
<td>20, 22</td>
</tr>
<tr>
<td>122</td>
<td>18, 19, 23</td>
</tr>
<tr>
<td>122(1)</td>
<td>18, 22</td>
</tr>
<tr>
<td>126</td>
<td>65</td>
</tr>
<tr>
<td>170</td>
<td>18</td>
</tr>
<tr>
<td>191</td>
<td>18, 20, 35, 40</td>
</tr>
<tr>
<td>192</td>
<td>20, 23, 278, 280</td>
</tr>
<tr>
<td>192(1)</td>
<td>20, 22, 464</td>
</tr>
<tr>
<td>192(2)</td>
<td>21, 24</td>
</tr>
<tr>
<td>192(2c)</td>
<td>21</td>
</tr>
<tr>
<td>194</td>
<td>1, 18, 19, 20, 21, 22, 23, 28, 29, 39, 60, 278, 290, 314, 469, 477</td>
</tr>
<tr>
<td>194(1)</td>
<td>314, 477</td>
</tr>
<tr>
<td>194(1a)</td>
<td>18</td>
</tr>
<tr>
<td>194(1b)</td>
<td>18, 28</td>
</tr>
<tr>
<td>194(1c)</td>
<td>18, 278, 361</td>
</tr>
<tr>
<td>194(1d)</td>
<td>18</td>
</tr>
<tr>
<td>194(2)</td>
<td>18, 21, 23, 24, 60, 314, 477</td>
</tr>
<tr>
<td>194(3)</td>
<td>24, 157, 314</td>
</tr>
<tr>
<td>211</td>
<td>38</td>
</tr>
<tr>
<td>221</td>
<td>39</td>
</tr>
<tr>
<td>238</td>
<td>50</td>
</tr>
<tr>
<td>260(3)</td>
<td>26</td>
</tr>
</tbody>
</table>

**INTERNATIONAL TREATIES AND CONVENTIONS**

Agreement between the Republic of Cyprus and the Arab Republic of Egypt on the Delimitation of the Exclusive Economic Zone, 17 February 2003 ....300

Agreement between the Government of the State of Israel and the Government of the Republic of Cyprus on the delimitation of the exclusive economic zone, 17 December 2010, UNTS 2740 ..................300


art 13 .................................329

Energy Charter Treaty 1994 (ECT) .... 3, 4, 43, 114, 126, 130–149, 173, 179, 180, 186, 195

art 7 .................................127, 137, 138

art 7(5) ..........................186

art 18 .................................125

art 24(3) ..........................147, 148

art 26 .............................141, 144, 145, 188

art 26(3) ..........................329

art 26(8) ..........................145

art 27 ..............................148

art 45(1), (2) .......................187

art 47(3) ..........................141

Equator Principles III, June 2013 ....... 329, 330

General Agreement of Trade and Tariffs 1947 (GATT) ........... 121, 127, 149, 242

art 5 .................................127

International Centre for the Settlement of Investment Disputes ............330

art 42 ...............................331


UNTS 184 (MARPOL) ..........304, 336

Annex VI ................................304, 336, 343

reg 5(4) ..........................304


International Maritime Organization, 2008 Guidelines and Standards for the Removal of Offshore Installations and Structures on the Continental Shelf and in the EEZ. IMO Resolution A.672 304


art 1.1.3 ..........................350

International Maritime Organization, 2017, International code of safety for ships using gases or other low-flash point fuels 350
International Ship and Port Facility Security Code, 2003 ...................................................... 351
Japan and the Republic of Korea, Agreement concerning joint development of the southern part of the continental shelf adjacent to the two countries, Seoul, 30 January 1974 .......................................................... 301
Memorandum on the Regime of the High Seas, UN Doc. A/CN.4/32, 14 July 1950 ...................................................... 293
MERCOSUR ............................................ 121
North America Free Trade Agreement (NAFTA) .......... 43, 121, 179, 243
OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions 2009 .......................................................... 243
art 1(1) .................................................... 243
OECD Guidelines for Multinational Enterprises (OECD Publishing 2011) ...................................................... 326
Principles 12, 13 ............................................ 312
Principle 17 ............................................. 313, 328
Principle 25 ............................................. 326
Principle 26 ............................................. 318
Principle 29 ............................................. 326
Principle 30 ............................................. 328
Principle 31 ............................................. 327, 328, 330
art 2.1(a) .................................................. 370
art 4 ....................................................... 84, 95
art 4.3, 4.9 ............................................. 427
art 6.2 ..................................................... 427
art 6.4 ..................................................... 428
Peace of Westphalia 1648 ............................................. 106
UNCITRAL Model Law on International Commercial Arbitration (1985) .... 141
art 12 ....................................................... 333
art 27 ....................................................... 332
UN Convention against Corruption, Resolution 58/4 of 31 October 2003 .... 5, 238, 239, 244
UN Convention on the High Seas, Geneva 1958
art. 24 ..................................................... 303
UN Convention on the Law of the Sea (UNCLOS) 6, 7, 287–308, 346, 347
preamble .................................................. 287
art 1 ....................................................... 347
art 1(1) ................................................... 296
art 1(3) ................................................... 297
art 1(4) ................................................... 303
Pt II ...................................................... 290
arts 2, 3 .................................................. 293
arts 17–19 .............................................. 293
art 24 ..................................................... 303
art 33(1), (2) ........................................ 294
Pt III ..................................................... 290
Pt IV ..................................................... 290
Pt V ..................................................... 290
art 55 ..................................................... 294
art 56 ..................................................... 294
art 56(2) .................................................. 295
art 58(1) .................................................. 295
art 60(1) .................................................. 295
art 74(1), (2) ........................................ 297
art 74(3) .................................................. 298
Pt VI ..................................................... 290, 294
art 76(1) .................................................. 295
art 77(1), (2) ........................................ 294
art 77(3) .................................................. 295
art 77(4) .................................................. 294
art 79(1), (4) ........................................ 295
art 81 ..................................................... 295
art 82 ..................................................... 295
art 82(1), (2) ........................................ 295
art 82(3) .................................................. 296
art 82(4) .................................................. 295
art 83(1), (2) ........................................ 297
art 83(3) .................................................. 298
Pt VII ..................................................... 290
art 86 ..................................................... 296
art 89 ..................................................... 296
Pt VIII .................................................... 290
art 121(1)–(3) ....................................... 297
Pt IX ..................................................... 290
art 123 ................................................... 290, 298
PT X ..................................................... 290
Pt XI ..................................................... 290, 291
art 133(a) ............................................... 296
Table of legislation

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>art 136</td>
<td>296</td>
</tr>
<tr>
<td>art 137(1), (2)</td>
<td>296</td>
</tr>
<tr>
<td>art 140</td>
<td>297</td>
</tr>
<tr>
<td>Pt XII</td>
<td>290, 303</td>
</tr>
<tr>
<td>art 194(1), (3)</td>
<td>303</td>
</tr>
<tr>
<td>Pt XIII</td>
<td>290</td>
</tr>
<tr>
<td>Pt XIV</td>
<td>290</td>
</tr>
<tr>
<td>Pt XV</td>
<td>290, 297</td>
</tr>
<tr>
<td>Annex IX</td>
<td>291</td>
</tr>
<tr>
<td>art 1</td>
<td>291</td>
</tr>
<tr>
<td>art 5(1)</td>
<td>291</td>
</tr>
<tr>
<td>UN Framework Convention on Climate Change</td>
<td>31, 37, 41–42, 94, 217, 218, 303, 426</td>
</tr>
<tr>
<td>UN Framework Convention on Climate Change, Kyoto Protocol 1997</td>
<td>69, 175, 217, 278, 373, 389, 418, 421, 424, 427, 502</td>
</tr>
<tr>
<td>UN General Assembly International Covenant on Civil and Political Rights, 16 December 1966</td>
<td>318</td>
</tr>
<tr>
<td>art 2(3)</td>
<td>317</td>
</tr>
<tr>
<td>art 14</td>
<td>317</td>
</tr>
<tr>
<td>UN General Assembly, Resolution 69/292, A/RES/69/292, 6 July 2015</td>
<td>305</td>
</tr>
<tr>
<td>UN General Assembly Resolution No.1803 of 1962</td>
<td>124</td>
</tr>
<tr>
<td>UN General Assembly Universal Declaration of Human Rights, 10 December 1948</td>
<td>318</td>
</tr>
<tr>
<td>arts 8, 19</td>
<td>318</td>
</tr>
<tr>
<td>art 20</td>
<td>88</td>
</tr>
</tbody>
</table>

**NATIONAL**

**Brazil**

Anti-Corruption Act (Federal Law 12,846/2013) ............................................254

**Canada**

Corruption of Foreign Public Officials Act (S.C. 1998, c. 34) .........................253

**Italy**

Anti-Corruption Law: Law no. 190, 6 November 2012 ......................................254

Decree n. 49/2014 Attuazione della direttiva 2012/19/UE sui rifiuti di apparecchiature elettriche ed elettroniche (RAEE) ...........................................466

**Mexico**

National Anti-Corruption System 2016 .........................................................254

**Spain**

Real Decreto 110/2015, de 20 de febrero, sobre residuos de aparatos eléctricos y electrónicos .................................................................466

**The Netherlands**

Code of Civil Procedure

art 7 ..................................................................321

**United Kingdom**

Bribery Act 2010 .................................................254

s 7 ..................................................................254

**United States of America**

Alien Tort Claims Act 28 US Code

§ 1350.........................................................311, 323–325

Dodd-Frank Act 2010

s 1504..........................................................256

Energy Independence and Security Act 2007 .........................................................366

s 1305..........................................................367

Foreign Corrupt Practices Act 1977.........................................................243