

## 1. Event title

RENFORCE Expert Dialogue:  
Enhancing Sustainability in International Trade – Assessing the EU's Energy Policies

## 2. Date

6 June 2019, 14.00-17.00 (lunch from 12.30)

## 3. Event summary

This RENFORCE Expert Dialogue seeks to engage in the discussion on the EU's attempts to enhance the goal of sustainability through its international trade measures in the field of energy policies. Particular attention will be paid to the revised Renewable Energy Directive (RED II) for 2021-2030. By discussing the external implications and tensions arising from RED II, the Dialogue explores normative and pragmatic dilemmas underlying the EU's commitment to sustainability in its external action, and understands some of the key actors and processes through which those tensions are created and also mitigated. Questions of compatibility with international trade law and complex regime interactions will also be addressed. The Expert Dialogue will serve as a venue to collaborate with the Centre for the Law of EU External Relations (CLEER), hosted by the T.M.C. Asser Instituut.

## 4. Topic of the Expert Dialogue

Under the Treaties, the EU is to pursue external action in order to “preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development.”<sup>1</sup> In May 2017, the European Commission published a paper on harnessing globalization<sup>2</sup> that underlines the EU's commitment to a value-based, progressive trade agenda that enhances global governance on issues such as human rights, labour conditions and environmental protection. In the document, the Commission stresses the importance of the Paris Agreement on climate change and calls for new regulations and standards to ensure that all countries contribute to CO2 emissions reductions.

The Commission's priority has led the EU— as one of the first “major economies” to announce its voluntary reduction commitment under the Paris Climate Agreement—to take great strides to meet its ambitious target of a 40% reduction in greenhouse gases by 2030.<sup>3</sup> The 2030 Climate and Energy Framework is intended to facilitate this goal, envisaging a minimum of a 40% reduction in greenhouse gas emissions compared to 1990 levels, a 32% share for renewable energy and a 32.5% improvement in energy efficiency.<sup>4</sup>

In 2018, the 2030 Framework was revised to increase the climate and energy targets even further. This was the result of a compromise between EU institutions, an important product being a proposed recast of the Renewable Energy Directive (RED II).<sup>5</sup> A key element of RED

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<sup>1</sup> Art. 21 TEU.

<sup>2</sup> [https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-globalisation\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-globalisation_en.pdf)

<sup>3</sup> See further: [https://ec.europa.eu/clima/policies/international/negotiations/paris\\_en](https://ec.europa.eu/clima/policies/international/negotiations/paris_en)

<sup>4</sup> [https://ec.europa.eu/clima/policies/strategies/2030\\_en](https://ec.europa.eu/clima/policies/strategies/2030_en)

<sup>5</sup> <https://ec.europa.eu/jrc/en/jec/renewable-energy-recast-2030-red-ii>

II is the renegotiation of the “sustainability criteria” to which biofuels must adhere in order to count towards EU Member States’ mandatory renewable energy targets. Another example of EU measures that could be relevant for enhancing sustainability in the area of energy is the Gas Directive. Recently, EU member states gave a mandate to the Council to start negotiations with the European Parliament on an amendment to the directive. One of the objectives of the Directive is to ensure that gas undertakings are operated with a view to achieving a competitive, secure and environmentally sustainable market in natural gas.<sup>6</sup> The aim of the legislative proposal is to ensure that the rules governing the EU's internal gas market apply to gas transmission lines between a member state and a third country.

While much can be said about sustainability criteria from an internal perspective, these policy developments also have an important *external* dimension, including the EU’s trade relations. As the EU is such a large market, the standards it sets for its own energy consumption necessarily have ripple effects across the globe. It then comes as no surprise that large exporters of biofuels such as Indonesia, Malaysia and Argentina, have expressed a keen interest in the precise determination of the RED II standards, which were largely finalised in early 2019. In terms of bilateral trade relations, the EU aims at addressing the environmental concerns by means of introducing sustainable development chapters in the recently negotiated new generation free trade agreements. As these chapters in general demonstrate the EU’s commitment to non-trade values such as protection of environment and sustainable renewable energy in particular, they also lack meaningful enforcement mechanisms. Few of the new FTAs include specific chapters aiming at promoting, developing and increasing the generation of energy from renewable and sustainable non-fossil sources, particularly through removing or reducing tariffs as well as non-tariff barriers and fostering regulatory convergence with or towards regional and international standards.<sup>7</sup>

## 5. Speakers

- Natalie Dobson & Urszula Jaremba (UU)– Introduction to the theme of the Expert Dialogue
- Barbara Cooreman (Hanover Brussels, Advising companies and organizations on EU energy, environment, and trade policy) – Revised RED II and its external implications on trade (to be confirmed)
- Anna Marhold (Leiden University) – Lessons from the 2009 Gas Directive (to be confirmed)
- A representative of the European Parliament or a scholar within the Centre for the Law of EU External Relations (CLEER) – to be confirmed by Eva Kassoti
- Nikolaos Giannopoulos (UU, PhD candidate) – The EU’s energy policies and sustainability (to be confirmed)
- Machiko Kanetake: Concluding observations

## 6. Venue

- Sweelinckzaal, Drift 21

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<sup>6</sup> Articles 3(1) and 40 of Gas Directive 2009/73/EC.

<sup>7</sup> EU-Singapore FTA.

## 7. Budget

Expense	Total cost
Venue	€ 0
Travelling expense for a speaker	€ 300
Accommodation	€ 200
Coffee/tea	€ 100
Working lunch	€ 400
<b>Total</b>	<b>€ 1.000</b>

## 8. Collaboration with CLEER & the *Europe and the World* journal

We are planning to organize the Expert Dialogue in collaboration with the CLEER hosted by the T.M.C. Asser Instituut. We are already in touch with Dr. Eva Kassoti (Asser Instituut) who coordinates the CLEER in search for a possible speaker on the theme of our event. We hope that the Expert Dialogue would serve as a much-needed opportunity to strengthen institutional collaboration with the CLEER.

In addition, we will make the most of this occasion to promote our peer-reviewed journal symposium, to be published by *Europe and the World: Law Review* (UCL Press) in May/June 2019. The journal symposium is entitled “Economic and Non-economic Values and Objectives in the EU’s International Trade: Normative Tensions, Actors and Processes”, based on RENFORCE workshop on the theme of tensions between the EU’s trade and non-economic values, held at Utrecht University in November 2017.