

Summary

International Law Aspects of EU-Russia Energy Relations

- An Analysis with special Reference to the Provisional Application of the Energy Charter Treaty by Russia -

Questions related to energy issues in the relationship between the EU and Russia are often discussed from a political science perspective. At the same time, a broad analysis of these questions from an international law perspective is currently missing. The author endeavors to close this gap.

Emanating from an overview on relevant actors and their respective interests, the present work addresses relevant legal instruments between the EU and Russia – paying special attention to the EU-Russia Partnership and Cooperation Agreement (PCA) and to the Energy Charter Treaty (ECT). Russia did not ratify the latter, but applied the ECT on a provisional basis for over 14 years. Thus, the specific regime of provisional application under Article 45 ECT is analyzed. In doing so, particular focus is put on a general problem of international law: The provisional application of a treaty, subject to the condition that treaty provisions are not inconsistent with the signatories' respective municipal laws.

Deriving from that, the author addresses several legal questions with respect to EU-Russia energy relations such as trade, transit, investment protection and security of energy supply. For each question, a description of the legal *status quo* is given. Also, it is demonstrated to which extent this *status quo* differs from the interests of the relevant actors, and how Russia's WTO accession and/or Russia's ratification of the ECT would change the situation.

The work ends with concluding remarks and an outlook on the future.