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**SYNCING ENVIRONMENTAL
AND ENERGY SECURITY
THROUGH INTER-BLOC
COOPERATION: WHAT
IS IN FOR THE EU AND
MERCOSUR?**

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Abstract

As a bloc, the European Union has had a tradition of mutually evolving environmental and energy legislation that has been solidified by the involvement of government, the business sector and civil society. This has led to an overall positive impact of environmental pressures over the course of the EU's energy transition. In Mercosur such process has not taken place due to smaller interest from both the business sector and civil society in environmental protection and energy diversification, as well as to the state's comparatively larger share in defining such agendas. By presenting the legislation of both blocs in those fields, the author shall highlight the resulting differences in how each of them deals with those areas, particularly when they interconnect. In the end, the author proposes inter-bloc cooperation as a way for Mercosur and the EU to benefit mutually in energy transition as well as strengthen their integration process.

This paper seeks to discuss the importance of cooperation between the European Union and Mercosur in sustainable energy policy making, as well as present suggestions on how social and political dialogue should take place in those areas. To achieve this, the author will present a brief history of environmental and energy policy making in the EU to demonstrate how the development of environmental awareness over the years has affected energy security policies in the bloc. Afterwards, the author will quickly present Mercosur's intra-bloc environmental and energy policy making and the current state of energy concerns for some of the region's most relevant energy players. The author will also pinpoint some differences between EU and Mercosur environmental and energy integration from a political and social perspective. Finally, the author will suggest how inter-bloc dialogue towards sustainable energy security should take place and how both sides can benefit from a stronger partnership.

This piece is primarily concerned with overall inter-bloc and bloc-state cooperation. However, it is important to acknowledge the significant differences between blocs and within blocs: namely, how different blocs prioritize a specific issue, such as climate and energy policy making; and how the most powerful states within those blocs view and promote (or choose *not* to promote) any given matter. The latter (leaders' behavior towards a specific issue-area) plays a key role in defining a bloc's adoption of a course of action and, to a lesser extent, its official view on it. Although individual leadership within blocs is not the focus of this paper, one should bear in mind the different weight of states like Germany, France and the United Kingdom when influencing policy making in the EU, as well as Argentina and Brazil's in Mercosur. This usually mirrors how greater powers treat many areas, such as sustainable energy, and the influence they have both regionally and globally.

Climate and energy policy making, thus, have usually been as important as the most powerful states in the international system make it. Although this started to change considerably since the emergence of a more environmentally conscious global civil society, it is still up to the states harboring them to reflect their collective pressures – and this is mostly dependent on the effective burden groups put on the policy making process of their countries. There is no way to lump all blocs together when it comes to the priority given to both environmental protection and energy policies: each of them has a diverse set of priorities, diverse interest groups strong enough to interfere with the bloc's policy making and, as a result, different functioning when it comes to those areas. There is one extra point that might complicate matters further: different blocs not only have dissimilar geopolitical weight; they also matter differently to their constituents. In other words, the EU plays a much more prominent role in regional integration and political dialogue in Europe than Mercosur does in South America, which reflects how the states and civil societies concerned perceive each bloc's relevance. When it comes to energy policy making, with a focus on the dialogue on climate change mitigation, each of those two blocs work differently as shall be seen next.

Development and merging of environmental and energy policies in the EU

The 1973 European Environmental Action Program was the first official document of this kind in the European Economic Community (EEC) (Klatte, 1997: 79). Stemming from the discussions of the 1972 Paris Summit meeting of EEC heads of state and government, the first EAP represented a major step towards union-wide environment policy making. National and international movements played a significant role in pressuring governments into harmonizing formerly conflicting – or at least very dissimilar – norms. Another interesting point is that initial environmental legislation in the EEC was very much linked to the easing of trans-border issues related to different environmental legislation – and the possible impact this could have on regional integration. As a result, both a market- and environment-friendly set of policies developed in the EU space, which meant those spheres ought not to be in competition with each other and they could allegedly be complimentary, bringing about a more sustainable shared space and a solid free market at the same time. This logic is relevant because this does not take place in every integration process as spontaneously. In other words, linking a healthy open and integrated market with environmental protection is somewhat organic in the EU due to: i) the period when it was first set out (the environmentally buzzing 1970s); ii) pressures from government and business actors to synchronize environmental regulations; iii) the resulting association of diminishing trade barriers and an integrated environmental legislation leading to possible EU leadership in this area.

Article 130r of the 1986 Single European Act (SEA) officially presents the environmental goals of the Community by stating in its paragraph 2 that

Action by the Community relating to the environment shall be based on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay. Environmental protection requirements shall be a component of the Community's other policies.¹

The steady inclusion of environmental topics into the union's workings had been solidified some years before, in 1981, after the creation of the Directorate General for the Environment. The growing participation of non-governmental organizations and lobby groups was apparent since the 1970s – the most famous example being the European Environmental Bureau (EEB) established in 1974 (EUROPA, 2015). This means that environmental groups stemming from the European civil society were present in Brussels from a very early stage, which not only brought along the organized pressure via institutionalized and coordinated behavior but also made it clear that the future EU itself was to acknowledge the weight and relevance of such actors.

Against this backdrop, the European Union's energy policy has been conceived by promoting energy security and environmental sustainability. Article 176A of the Treaty of Lisbon outlines this movement:

1. In the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim, in a spirit of solidarity between Member States, to:

¹ Treaty establishing the European Economic Community [1987] OJ L169, 29/06/1987 P. 0011

- (a) ensure the functioning of the energy market;
- (b) ensure security of energy supply in the Union; and
- (c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and
- (d) promote the interconnection of energy networks.²

The 2007 Treaty on the Functioning of the European Union stresses the importance of cooperation in environmental and energy issues, although individual member states remain able to outline and legislate on their national energy management (Treaty on the Functioning of the European Union, 2007). The Energy Community Treaty had been signed in 2006 aimed at integrating member states and Southeast Europe with a special focus on creating a “*a stable regulatory and market framework capable of attracting investment in gas networks, power generation and transmission networks, so that all Parties have access to the stable and continuous gas and electricity supply*”³ for economic and social stability to be fostered while seeking to connect the Balkans and the continental EU to Caspian, North Africa and Middle East reserves of gas. These regions, which surround the EU, were a good example of some of the most prominent moves towards EU-backed sustainable energy efficiency outside the bloc’s territory. Domestic energy security thus need to be continuously thought of as inextricably linked to external factors – and if greener energy is of importance to Brussels, promoting energy relations with third states/ blocs should primarily follow this path.

EU’s Energy Commissioner Andris Piebalgs’s 2007 speech at the EU Energy Law and Policy conference brought many of those concerns to the energy debate. When addressing the risks the EU faces for its energy security, Mr. Piebalgs links successful energy policies to the environmental debate throughout his talk, which is a noteworthy sign of how Brussels had merged both areas and considered them increasingly less conflicting (Piebalgs, 2007). For the EU, the search for low-carbon energy technologies has been paramount for the past decade and one important side of this is safeguarding greener energy supply while also protecting free market. In other words, in such a highly lucrative field the emergence of new and competitive ideas is more likely to appear when oligopolistic tendencies are thwarted. As a result, a relevant interconnection has taken place in EU energy security thinking: low environmental impact, self-sufficiency and the participation of varied innovative societal actors.

As years went by, in response to the EU’s heavy dependence on energy imports, the European Commission launched its Energy Security Strategy in 2014, separating it into short-term and long-term measures, all of which were based on the following key pillars:

1. Immediate actions aimed at increasing the EU’s capacity to overcome a major disruption during the winter 2014/2015;
2. Strengthening emergency/solidarity mechanisms including coordination of risk assessments and contingency plans; and protecting strategic infrastructure;
3. Moderating energy demand;
4. Building a well-functioning and fully integrated internal market;
5. Increasing energy production in the European Union;

² Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community [2007] (2007/C 306/01).

³ Council Decision 2006/500/EC.

6. Further developing energy technologies;
7. Diversifying external supplies and related infrastructure;
8. Improving coordination of national energy policies and speaking with one voice in external energy policy⁴

The EU's policy framework for energy and climate for 2030 and its 2014 energy security strategy have paved the way for the creation of an energy union. Its successful implementation depends on the above-mentioned pillars. Points 7 and 8, in particular, are naturally connected to international cooperation. The goal of diversifying external supplies and infrastructure for the EU – at least in the short term – cannot be attained without careful yet bold moves concerning the Union's partnerships. In other words, diversifying its energy sources *and* keeping the energy flow secure requires not only having access to a vaster array of energy partners but also making such connection stable enough to be easily maintained. To promote and secure stability institutionalizing measures are key; therefore, international cooperation can best be achieved by celebrating and enforcing agreements with actors that have similar goals.

The almost mutual development of environmental conscience and the search for energy security in the EU have made for a particular institutional behavior as outlined above. In other words, if the discussion about energy security and environmental concerns have usually walked hand in hand in Brussels the international connections to ensure the bloc is safe from an energy perspective should reflect that. From this viewpoint, the EU is expected to include international partners that are willing to diversify their energy export portfolio by building steady and reliable relations with the bloc while not jeopardizing Brussels' continuous pro-environment stances. Reducing carbon emissions while increasing energy efficiency puts the EU at the forefront of clean energy. The Trans-European Energy (TEN-E) Guidelines, which were regulated in 2011, establish diversification as one of the basis for energy security within the bloc and, in this respect, increasing partnerships with third countries is central. EU's Communication 2011/539 is an important document that builds upon the energy concerns laid out in the Treaty of Lisbon. A crucial point made by this communication is the need to not only secure EU's energy security but also to make sure third countries benefit from proposed partnerships.

The Council has recognised the need for new initiatives to develop mutually beneficial energy partnerships with key players on all subjects of common interests, including energy security, investments in sustainability and environmental protection, low-carbon technologies, energy efficiency and nuclear safety. This Communication proposes concrete ways to extend energy cooperation beyond the mere physical security of imports. It is compatible with and builds upon the December 2003 European Security Strategy, as reviewed by the December 2008 European Council.

Such partnerships and the EU engagement in global fora such as the G-20 must also promote more sustainable energy policies in third countries, while improving market transparency and easing international market volatility and working toward a global energy market less vulnerable to supply shocks and disruptions. In this way the policy should help strengthen the EU's resistance to external energy events.

⁴ Commission Communication to Member States on European Energy Security Strategy [2014].

In its relations with developing and least developed countries, the EU can provide a valuable contribution to economic development and poverty alleviation by making sustainable energy and access thereto a priority for its development policy. The EU is uniquely placed to promote reform measures, infrastructure development and sustainable energy policies while addressing this key development bottleneck.⁵

Working alongside developing and least developed countries can not only solidify partnerships but also give the EU significant leverage within those regions. For developing and least developed countries energy self-sufficiency is key but, unlike what happens in the EU, environmental concerns tend to be left aside more easily. Since the development of green movements have not taken place at such a fast pace and have not been absorbed by successive governments as much, energy security thinking may have a behavior somewhat detached from environmental concerns.

Regions that have undergone integration processes do not necessarily fare better, since the institutionalization of energy security and environmental policies may not be as advanced as the EU's. Mercosur is one bloc that, in many respects, tried to follow in the footsteps of the EU when devising its integration process. The substantial differences from the European experience can be noted in areas such as free movement of citizens, residence permits, the lack of a common currency, among many others. Environmental and energy security, as a result, are fields that have not followed a very successful harmonization process. As a bloc, Mercosur can, in many respects, benefit from cooperation with the EU aiming at diversifying the options of an enlarged energy partnership with a greener focus while also offering political, business and social counterparts for the EU as a trans-Atlantic energy partner.

Mercosur: political integration from the top, lack of sustainable energy environment at the bottom

Integration in the Southern Cone took momentum in the late 1980s and early 1990s and the Treaty of Asunción, the founding document of Mercosur, expressed environmental concerns in its preamble, considering that:

the expansion of [the states parties'] domestic markets, through integration, is a vital prerequisite for accelerating their processes of economic development with social justice, [believing] that this objective must be achieved by making optimum use of available resources, preserving the environment, improving physical links, coordinating macroeconomic policies and ensuring complementarity between the different sectors of the economy, based on the principles of gradualism, flexibility and balance(...).⁶

Institutionally, Working Subgroup 6 (created by GMC Res. 20/95) was created as a technical organ within MERCOSUR's structure in order to ensure environmental integrity and protection of member states, promoting "*sustainable development through actions that ensure the transversality of environmental issues within*

⁵ Communication [2011] 539.

⁶ Treaty establishing a Common Market between the Argentine Republic, the Federal Republic of Brazil, the Republic of Paraguay and the Eastern Republic of Uruguay [1991].

the integration process, fostering environmental measures that are effective, economically efficient and socially equitable" (SIAM, 2017). In 1992 GMC Resolution n. 22 had created the Specialized Meeting for the Environment, the first institutional milestone for Mercosur's environmental discussions⁷. In 2003 Mercosur approved the creation of a Meeting of Ministers of the Environment (REMA). The aforementioned SGT n. 6 took up on the Basic Guidelines for Environmental Policy, which had been designed by REMA. The guidelines stress the importance of the environment in the integration process through the harmonization of legal and institutional procedures for projects which may have environmental impact.

Although environmental legislation in Mercosur has been discussed since the bloc's creation, societal lobbying has not been as present and the pressure for greener policies tends to be weaker than in the EU. However, discussion on energy integration has taken environmental concerns into account. Mercosur lacks a specific integration model for its energy market, although regional energy integration is underway from a legal perspective. The *Framework Agreement on Regional Energy Complementation among Mercosur Member States and Associate Members* was signed in 2005 by the bloc's five member states (Argentina, Brazil, Paraguay, Uruguay and Venezuela) as well as Chile, Colombia and Ecuador. It drew upon the Presidential Declaration of the 2000 South America Summit, which stressed the need for the creation of a Regional South American Energy Market⁸.

Creating a regional energy market, however, requires the adoption of agreed-upon policy goals concerning both the environment and energy. In a context in which revenues and activities from national oil companies have been greatly affected in the region, coupled with overall economic uncertainties, local governments' capacities to invest in projects for energy security which are environment-friendly have been considerably reduced (FGV Energia; Konrad Adenauer Stiftung, 2016). What may be considered, on the one hand, a positive aspect of energy generation in South America – hydropower – due to its "cleaner" carbon footprint also indicates that the region has not diversified its mix well enough to respond to uncertainties such as droughts. For the past years, Latin America has been adjusting to the overall global scenario of lower commodity prices, devaluated currencies and low economic growth (World Energy Council, 2017: 105) and South America has followed suit. Although there has been some energy diversification in the region for the past years, focus has mostly been put into either large hydro projects or NOC projects (the latter have suffered considerable blows in South American countries due to falling oil prices and local political scandals).

In Mercosur new governments have shown some inflections in energy thinking and policies. Argentina, for instance, has declared an energy crisis in 2016 after the election of Mauricio Macri. The heavily subsidizing policies of his predecessor have been replaced by higher tariffs for gas and electricity, which has been socially controversial. Since the country does not have much room for large hydro growth when compared to some of its neighbors, achieving energy sustainability and diversification should be a priority.

Facing an economic and political crisis, the Brazilian government has diminished the prospects for state-funded energy projects, which means private actors are to

⁷ Mercosul/GMC/RES. n 22/92.

⁸ Acuerdo marco sobre complementación energética regional entre los estados partes del Mercosur y estados asociados, 2005.

be prioritized. Hydrocarbon exploration laws have suffered significant changes in the past year and they point to reduced government participation in many energy sectors as they are mostly indebted. With a prospect of some reservoir recovery from the droughts that have affected water supply and hydroelectric operations, 2017 may bring some relief to the country's south and southeast. Renewables have gained more popularity in Brazil and have increased, particularly wind power. When considering installed capacity, the WEC has placed Brazil as the fourth largest wind energy country globally (World Energy Council, 2017: 116). Solar power plants, however, have not fared that well and its increase in the country's energy mix has been slower – possibly because new business models usually needed due the larger distribution of this type of energy generation (FGV Energia; Konrad Adenauer Stiftung. 2016).

Intra-bloc balance between energy security and environmental sustainability is uneven among Mercosur member states. The WEC's Energy Trilemma Tool, which ranks countries according to their ability to provide sustainable energy through 3 dimensions (energy security, energy equity and environmental sustainability), has positioned the five members as follows (Table 1):

TABLE 1
Energy Trilemma Index
Mercosur Member States

Index rank	Country	Balance score*	Energy security	Energy equity	Environmental sustainability
27	Uruguay	BBA	40	51	16
57	Brazil	CBB	68	70	46
58	Argentina	BBB	48	69	69
62	Venezuela	ABC	21	68	87
89	Paraguay	CCB	96	86	57

* The balance score highlights how well a country manages the trade-offs of the Trilemma with "A" being the best
 "Adapted from World Energy Council, 2017b."

Argentina's, Brazil's and Venezuela's ranking positions are quite similar. They are all located almost halfway from top (better off) to bottom (worse off) within a sample of 125 countries. Uruguay is the first Latin American country to appear on the general list while Paraguay lags far behind.

The Energy Trilemma Index is a good example of the long way Mercosur must go as a bloc to harmonize its energy security – without forgetting the important aspects of social responsibility (access to energy) and environmental sustainability. When considering the complete list, the top 20 spots are overwhelmingly made up of Western European countries, which have a much better balance among the three dimensions. The experience of EU countries in this regard can be very important for the region's development as a regionally integrated and equitable integrated energy player.

Cooperation between Mercosur and the EU in sustainable energy diversification

Considering the Paris Agreement, which had been ratified by 153 countries as of July 2017 (UNFCCC, 2017), international cooperation is essential to achieve long-lasting results in environmental protection and energy efficiency. Highly promoted by the EU, the landmark agreement has paved much of the international discussion around sustainability since late 2015. With the exception of Venezuela, all of Mercosur's member states have ratified it (the fact that one member has not, though, is a telling example of how environmental discussion within the bloc is far from unisonous).

Given Mercosur's need for optimizing its energy-environment relations, there are short- and long-term actions that should be considered. First, as much as the bloc's legislation concerning the environment and sustainable energy has been promoted, it is not as integrationist as one can see in the EU. As noted earlier in this piece, civil society is not well integrated into Mercosur's decision-making process concerning either of those topics. In other words, environmental lobbying in Montevideo has never had the same presence as in Brussels, which means the building of sound and increasingly present legislation concerning environmental protection and clean energy is yet to be fostered in Mercosur – be it at the bloc and at the individual state level. Though far from ideal (if one considers how the status of advanced regional integration "should" be in South America), the truth is national policy making tends to prevail in most issues – not least in energy and environmental topics.

Energy transition in Mercosur countries has been prioritized in many domestic legal documents in the past years and it is important to look at successful experiences such as Uruguay's. Its sound macroeconomic and institutional environment and the willingness of public companies to work alongside private ones – always aiming at securing energy supply in a sustainable manner – has resulted in the incorporation of a new and successful business model for the country's energy sector (FGV Energia; Konrad Adenauer Stiftung, 2016). Uruguay is, however, a small and more integrated country with less pressing social obstacles when compared to other South American countries. Less corruption and inequality, as well as reduced social violence and exclusion, ensure a more fertile ground for sustainable energy concerns.

When cooperating with Mercosur, the EU should bear in mind the importance of working at both the bloc and the state realms in order to foster the implementation of policies that favor clean energy which are not anomalous to Mercosur's reality and help equate the imbalance among energy security, access and sustainability in the region. By helping to create a more "organic" connection between national and supranational policy making, the EU experience can help alleviate the unevenness of bloc-state policy making. Namely, environmental and energy policy making in Mercosur is not bound to the same legitimacy as one can verify in the EU – and this mostly has to do with the lack of general public interest in South America's integration mechanisms. Mercosur, which has not successfully incorporated the region's civil society around sensitive matters, is bound to work at a different pace than the more socialized EU experience when it comes to such areas. Therefore, if one seeks to promote EU-Mercosur cooperation in clean energy policy making, one should consider that: i) South American integration experiences have mostly been top-down, with little participation from civil society and diversified lobbying groups; ii) when it comes to energy policy, energy security is usually at the forefront of policy making – many times at the expense of sustainability; iii) there has not

been a constant behavior from successive governments in the region concerning larger integration moves, let alone energy/environmental harmonization.

This is not to say there have not been important discussions at the national and the supranational level with regards to energy integration and clean energy, such as presented earlier in this paper. However, South America lacks a *concerted regional impulse* for these matters to be dealt with supranationally – and this might not come about quickly since vast numbers of the civil society are not included in policy making talks (and neither does this tend to be a matter for concern for the average South American). As a result, innovative energy projects that could have a decentralized and entrepreneur-focused management, such as the development of solar power plants, are not prioritized. The inertia of business models, coupled with government whims concerning regional integration according to different administrations, brings challenges that can, however, be overcome.

Firstly, particularly from a Mercosur perspective, binational, transnational and inter-bloc high-level talks are essential. South American integration has been constructed mostly by these actions – and they tend to yield the fastest results. Local sustainable energy and environmental policies are greatly influenced by the *foreign relations* of individual member countries and Mercosur as a bloc, significantly more so than by domestic pressure. These results, however, may not hold on by themselves in the medium and long run due to the small involvement of civil society. This is another side of a potentially positive Brussels contribution: building on new and already-existing civil society groups which can promote and spread the discussion of environmentally conscious energy security and integration. Linking such actions with constant intergovernmental talks (be they larger events or smaller scale talks) is essential.

With both ends of the spectrum covered (high politics and civil society involvement) business participation is key. Although larger businesses may certainly contribute a great amount to sustainable energy diversification in Mercosur countries, it is the development of new business models that is paramount. There will hardly be a workable demand for solar power in Mercosur countries, for example, if local businesses do not feel empowered enough to at least take part in local, national and regional discussions. The inclusion of large, medium and small-sized companies in a constructive dialogue between governments and civil society shall allow an energy transition to take hold in a sounder manner. Again, though, this may be difficult if regional national governments are not in sync when it comes to integrating environmental and sustainable energy policy making. Constructive high-level talks between Brussels and Montevideo shall sustain continuous change if held constantly, whereas bilateral talks between EU and individual member countries of Mercosur is essential; the bloc does not yet speak as “one voice” in those areas, so harmonization needs to happen by linking both state discourses and the bloc’s policy making.

What at first might seem like a one-way set of actions taken by Brussels to integrate and diversify, in a sustainable manner, a far-away bloc may in reality be quite a strategic move within the current environmental and energy global scenario, which is changing rapidly. The recent US withdrawal from the Paris Agreement, as much a matter for legitimate global concern as it is, can be a crucial opportunity for Mercosur-EU cooperation towards sustainable energy relations. EU’s accumulated know-how in energy transition and the significant integration of European civil society and large, medium and small-scale businesses within this process can make

a partnership beneficial for both parties – particularly for managing new energy technologies and devising joint business models. This shall ideally be upheld by inter-bloc (Mercosur-EU) and state-bloc (individual Mercosur member states-EU) agreements and programs (the latter linking social awareness and civil society's participation). Three assets are of particular importance in this process: technology; management of sustainable businesses; and inclusion of societal actors who can identify with and uphold such actions. Overall, the first two call for public-private involvement whereas the latter can mostly be developed by joint inter-bloc/interstate programs. At the bloc, business and civil society level, the EU can strengthen its presence in South America by becoming a competitive leader in green energy alternatives, helping to provide energy solutions that decrease dependence on specific sources and increase positive regional and intercontinental interdependence for sound energy management and occasional crisis aversion. Effectively linking environmental concerns, energy diversification and energy security at the social, business and political level might benefit not only EU-Mercosur relations but also contribute to the institutionalization of South American energy integration in times of enduring doubts about states' individual capacities to secure a safe and sustainable energy future on their own.

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