A Review of Energy Law Education in **Greece**

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Abstract

This article focuses on reviewing energy law education in Greece. It mirrors recent efforts in the US and UK to examine energy law education and, for example: how it is taught; who is teaching it; where it is being taught; and what content is given to the curriculum offered? More research is needed on energy law education as the energy sector becomes increasingly influential in modern society. This article aims to complement the US and UK research and marks the continuation of the beginning of an EU wide exploration into the increased emergence of energy

law education, the links between practitioners and academics and what "energy law" means in different jurisdictions.

Introduction

The examination of energy law from an academic and practitioner perspective, as well as the state of energy law education and scholarship, is a topic that has gained momentum in academic research in recent years. This article aims at contributing to the foundations that have been laid on this subject by recent research in the US and UK.² This article provides an overview of energy law education in Greece³ and follows in the footsteps of the recent review of energy law education in the UK.⁴ It aims to be part of the new afore-mentioned energy law research and education initiative. Furthermore, the article presents a first comparison on this subject between common law and civil law legal systems. Indeed, in this context, the examination of other European civil law systems is definitely necessary in the future given that the Greek legal system is not generally considered to be one of the most "influential" in Europe. However, academic and practitioners in Greece have acknowledged the importance of the discipline of energy law and, in this context, significant academic and practical contributions have occurred in recent years in this field of law.

The approach of the article is to continue the energy law movement set out by the US and UK reviews—or as is referred to as the *Modern Energy Law Movement*. ⁵ The notion of "energy law" in Greece in the past and the market developments that led to its current shaping are explained below. The development of energy law scholarship in Greece, compared with the UK, is then explored. The reasons that led Greek higher education institutions to offer energy law modules are then detailed. The article also examines the energy-related centres within Greek universities and provides an overview of the energy law programmes and modules that are offered. Finally, the article explores the relationship between academia and industry in the field of energy law in Greece and concludes with an outline of the current state of affairs of energy law scholarship and its possible direction in the future.

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For more discussion on this see: R.J. Heffron and K. Talus, "The development of energy law in the 21st century: a paradigm shift?" (2016) 9 Journal of World Energy Law and Business 189-202.

² See US Energy Bar Association (Donna Attanasio, Committee Chair), 2015, "Energy Law Education in the US: An Overview and Recommendations" (2015) 32 Energy Law Journal 217-260; and R.J. Heffron, P. Roberts, P. Cameron and A. Johnston, "A Review of Energy Law Education in the UK" (2016) 9 Journal of World Energy Law and Business 346–356 (*UK Energy Law Education Review*).

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provided by the aforementioned legal academics and/or practitioners. The onus of any omissions or mistakes remains with the authors.

4 R.J. Heffron, P. Roberts, P. Cameron and A. Johnston, "A Review of Energy Law Education in the UK" (2016) 9 Journal of World Energy Law and Business 346–356. ⁵ R.J. Heffron, "The Global Future of Energy Law" [2016] I.E.L.R. 290-295

What is energy law?

The definition of energy law and its precise taxonomy within the legal discipline is a challenging question in many legal systems and, in this regard, Greece is no exception. The definitions are mostly empirical and reflect the constant—and often radical—developments in the national and global energy landscape. The notion and spectrum of what is included under "energy law" has been shaped by the market realities and has evolved drastically in the last 10–15 years.

In the past, energy-related activities were linked, predominantly, with power generation from the state-owned electricity company and the accompanying lignite extraction activities. From a legal point of view, those activities were perceived to fall within the spectrum of public, administrative and environmental law.6 A further traditional energy activity revolved around oil transportation, refining, processing and distribution, which in turn, was used both for international exports as well as covering the needs for petroleum products of the internal market.7 Therefore, it was not unusual for commercial and competition issues to emerge between market players, as well as regulatory matters relating to wholesale and retail distribution of petroleum products. However, the term "energy law" would still be alien for a practitioner dealing with any of the afore-mentioned matters, either of administrative or commercial nature; rather, a practitioner would most probably identify himself as practising administrative or commercial law in general.

However, the energy landscape in Greece is now drastically different than in the past. New energy business activities have developed and, as a result, academics and practitioners had to adapt to the circumstances. Moreover, the notion of "energy law" became more complex and sophisticated, both from an academic and practical perspective. The most radical developments were, among others: the requirement for the liberalisation of the electricity and gas market9; the potential for oil and gas exploitation in mainland and offshore Greece, as well as in Cyprus¹⁰; and developments in the pipeline¹¹ and energy transportation sector, 12 which have sparked a hope for the establishment of Greece as a gas and energy hub in the region. In turn, these developments "carry" with them challenges, which respectively-and legal indicatively—include:

- the structure of the electricity and gas market (power generation, transportation and commercial retail distribution);
- international law of the sea with questions regarding exclusive economic delimitation; and
- the development and continued reform of issues such as energy policy, energy diversification and the geopolitical element of energy security.

These latter developments have all had a major impact on the notion of energy law as an academic discipline in Greece. Although, as mentioned above, precise definitions are difficult to be articulated and the matter is approached more empirically, 13 there seems to be a consensus in Greek academia on, at least, two core dimensions of the energy law discipline. The first dimension is a distinction between a "horizontal" and a "vertical" line of legal taxonomy. At a horizontal level, the various forms of energy and their industrial applications, e.g. electricity, oil/gas and renewable energy sources, designate the area that the law is called upon to regulate, i.e. utilities law, oil/gas law and renewable energy sources law etc. At a vertical level, however, different disciplines of law may create and cut through the body of what might be called "energy law". As the UK Energy Law Education Review points out "energy law is an applied legal subject that builds up on pure legal subjects". 14 In a Greek context, the pure legal subjects that are perceived to be necessary for the examination of energy law include both public and private law; from a public law perspective, national administrative law, environmental/land law, taxation law, competition law and criminal law15 are perceived as the foundation of energy law-in other words, what constitutes the "regulatory framework" of energy in a broad sense. From a private law perspective, it is clear that contract/tort law¹⁶ and commercial/ corporate law, as well as arbitration and other means of alternative dispute resolution, are also of paramount importance for market players in the current energy landscape.

⁶ Apart from lignite extraction this was also the case for the rest of the extractive industry, a traditional area of industrial activity in Greece (e.g. metals-gold, copper, aluminium; marble and stone etc).

Two major oil refineries have been in operation in Greece for many decades; combined with the activities of the well developed Greek maritime industry, they have traditionally provided a field of international and domestic trade of petroleum products.

Already in 2004, it was noted that "A novel, multidimensional field of law is emerging, that we are called to apply yet more often—energy law. Despite its peculiar nature and core characteristics, it does have commonalities and cuts across other fields of law, with which their intertwining and interaction is constant and drastic" (translation by the authors); see H. Synodinos, "The Interdisciplinarity of Energy Law" (2004) 1 Energy and Law Journal 5 (in Greek).

These changes were pushed to a great extent due to the 2nd and 3rd "EU energy packages" in 2003 and 2009 respectively.

Oil and gas activities exploration and production activities peaked in the 70s and 80s, but after that there was a long cease of any activities. New seismic data and new players entering the market gave a new impetus in recent years.

The most important project that is already under construction is the "TAP" pipeline. Other pipeline projects are on the table at different levels of maturity, such as the "East-Med" pipeline, the "IGB" pipeline, the "Northern Corridor" etc. Also noteworthy is the plan for an FSRU liquefaction station offshore Alexandroupolis, with the potential of LNG imports which can add greatly to the energy sources diversification of South east Europe.

The "Euro-Asia Interconnector" project has also been signed, which is an underwater cable that will link the grid between Israel-Greece-Italy with the EU

¹³ See also R.J. Heffron, P. Roberts, P. Cameron and A. Johnston, "A Review of Energy Law Education in the UK" (2016) 9 Journal of World Energy Law and Business

^{346–356} with regard to the difficulties of exact definitions in the US and UK context.

14 R.J. Heffron, P. Roberts, P. Cameron and A. Johnston, "A Review of Energy Law Education in the UK" (2016) 9 Journal of World Energy Law and Business 346–356,

To the extent that matters such as environmental, competition etc. infringements also carry criminal penalties.

¹⁶ In the Greek legal system (which is often the case in other civil law systems) obligations arising out of contract and/or tort are treated within the same framework. In an English law context, this would be close to the notion of the "law of obligations"

The second dimension, similar to any other legal field and jurisdiction, are the levels of the local (national), regional and international law.¹⁷ From this perspective, it should be noted that national energy law in Greece is heavily influenced by EU law in almost every aspect of the energy business e.g. the structure of the energy market, competition law, state aid law and environmental law etc. In many instances, developments in the Greek market were essentially "forced" by EU policy, which championed the liberalisation of the electricity and gas markets. The relevance of EU law in Greek academic curricula becomes evident later in the article when there is an outline of the modules offered in Greek universities. ¹⁸ With regard to the international dimension of energy law, the interest of Greek academics lies mostly on issues with regard to the law of the sea and the status of cross-border pipelines, among others.19

Energy law scholarship in Greece

Energy law scholarship has seen a significant rise in the last decade. In contrast to the observation in the UK Law Education Review, 20 the central administration of most universities was not always pro-active in including energy law in the curricula. However, a vivid interest of individual academics and practitioners led to the publication of the first titles in the field of energy law.21 More recently, the subject gained momentum, with titles offering a more holistic picture of energy law, ranging from the more "traditional", EU-oriented approach of energy law²² to more inter-disciplinary approaches and multi-dimensional perspectives. ²³ The publications have been so far targeted to the Greek audience and, currently, there have been few attempts to inform a wider audience about the Greek energy market.24

A further reason for the demand for energy law scholarship came primarily from the private sector as the market developments required specialised lawyers in this field. On the other hand, it was not only the private players wishing to penetrate the market (mainly the electricity and gas market) but also the still dominant state-owned companies, which sought for external legal assistance to "defend their grounds". Recently, there have been signs of contraction on the demand side, as the economic crisis has led all players to the issue of decreasing their costs. In any case, the legal challenges, such as market liberalisation and the accompanying legal problems, still remain.

Purpose of offering an energy law curriculum?

The UK Energy Law Review holds that there were certain key purposes for the introduction of energy law subjects in UK universities.²⁵ In the past, most Greek universities would perhaps not appear too enthusiastic about sharing these aims and promoting the subject that was perceived to be a "niche" one. Energy law, and to be more precise, aspects of it, would be taught—if at all—in the context of other subjects such as administrative or commercial law. However, Greek Universities have, in the recent years, embraced—to a greater or lesser extent—the importance of energy law because of the demand they observed for this subject.²⁶ There are now programmes, mostly at a postgraduate level, which follow both the traditional, legal-oriented pathway,²⁷ as well as programmes with a more interdisciplinary orientation.²⁸

Raising awareness of the field of energy

Greek universities have not yet established dedicated energy law centres with the level of sophistication of the centres at universities such as Dundee, Aberdeen and Queen Mary, the activities of which are described in the UK Energy Law Education Review. There are, however, university research centres that do produce research on certain dimensions of energy law and related disciplines.

Centres of energy studies

The Law School of the University of Athens runs the Athens Public International Law Centre²⁹ founded in 2015. This centre has produced high-calibre research in the field

¹⁷ And similar in this regard to the three layers of energy law stated in R.J. Heffron and K. Talus, "The development of energy law in the 21st century: a paradigm shift?" (2016) 9 Journal of World Energy Law and Business 189–202.

18 A characteristic example is that the LLM in International and European Energy Law at the University of Thrace offers a specialised module on EU transposition law on

energy related matters, which demonstrates exactly the focus given on the interrelation between EU and Greek energy law.

The question of whether a distinct body of "international energy law" exists is a wider question which remains to be answered. ²⁰"The promotion of energy law teaching ... has been in many cases part of a major push from central university committees who have been and are promoting multi-disciplinary energy research across the university"; see R.J. Heffron, P. Roberts, P. Cameron and A. Johnston, "A Review of Energy Law Education in the UK" (2016) 9 Journal of World Energy Law and Business 346–356, 349.

1 T.P. Fortsakis, *Energy Law* (Ant. N. Sakkoulas Publishers, 2009) (in Greek); The title is now in its second edition, see T. Fortsakis and N. Farantouris (eds), *Energy Law*

⁽Nomiki Vivliothiki, 2016) (in Greek)

See, e.g. C. Iliopoulos, EU Energy Law (EU Energy Policy, Law of Treaties, Energy Security, Trans-European Energy Networks, International Treaties of Greece) (Ant.

N. Sakkoulas Publishers, 2014).

See, e.g. N. Farantouris (ed), Energy-Law, Economics & Policy (Nomiki Vivliothiki, 2012); N. Farantouris (ed), Energy-Shipping and Marine Transportation (Nomiki Vivliothiki, 2013); N. Farantouris (ed), Energy-Networks and Infrastructure (Nomiki Vivliothiki, 2014); T. Kosmidis and N. Farantouris (eds), The Law of Hydrocarbons (Nomiki Vivliothiki, 2015).

T.P. Fortsakis, Energy Law in Greece (Kluwer Law International, 2009).

^{25 &}quot;1. to unite a subject previously seen more as a special element in other, separate subject areas; 2. to contribute to the international community's response to energy problems that cause damage to society, 3. due to the growth in demand for energy lawyers; and 4. its potential contribution to comparative law scholarship" see R.J. Heffron,

P. Roberts, P. Cameron and A. Johnston, "A Review of Energy Law Education in the UK" (2016) 9 Journal of World Energy Law and Business 346–356, 350.

26 Fees for postgraduate programmes in Greece tend to be non-existent or relatively low as a matter of policy. To demonstrate the interest in energy law, programmes such as the MSc of the University of Piraeus does attract high interest, despite the relatively high fees for the standards of Greek higher education

e.g. the University of Thrace offers a "traditional", legally oriented LLM.

The University of Piraeus and the University of Thessaloniki have introduced interdisciplinary postgraduate degrees including energy law modules.

of the law of the sea and the topic of "energy at sea" in particular. The research outcomes have been presented in conferences and there are still ongoing projects on the subject.30

The Energy Policy and Development Centre (KEPA) is another active and long-running centre that operates under the umbrella of the University of Athens.³¹ KEPA was established in 1996 with the aim to study issues related to the geopolitics of energy in areas of south east Europe, the Black Sea and central Asia. KEPA does not focus primarily on energy law as its research spans across several sectors, such as the development of regional energy markets, the construction trans-continental/regional energy interconnections and climate change policies. Nevertheless, its research output is certainly useful for energy law scholars as well. 32

The Energy and Environmental Policy Laboratory at the University of Piraeus is an example of a centre with an inter-disciplinary approach, which also covers certain aspects of energy law, as it mission statement points out: "(its) multidisciplinary expertise allows it to examine the economics, the politics and the legal aspects of energy and environmental policy issues".33 The "Laboratory" was established in 2016, within the School of Economics, Business and International Studies and has produced interesting research output. Another energy-related activity of the University of Piraeus is the publication of the "Energy Papers", an e-journal that analyses current issues on energy policy and regulation.34

The Mediterranean Programme for International Environmental Law and Negotiation (MEPIELAN Centre) is a centre hosted at Panteion University of Social and Political Sciences.³⁵ The centre was established in 2008 and is an academic UN Environment Programme Mediterranean Action Plan (UNEP/MAP) accredited partner and member of the Mediterranean Commission on Sustainable Development (MCSD).

Academic positions

Greek higher education has not yet matured to such a degree in the field of energy law to award specialised titles on energy law—with limited exceptions³⁶—as is the case in the US and UK. Usually the academics active in the field of energy law hold academic positions in others areas of public or private law such as administrative, international, commercial and corporate law etc. In many

cases, it is the academic interest of individuals in energy law that drives them to introduce elements of it in the curricula they teach.

Energy law journals

The only specialised and high-calibre journal in this field in Greece is the publication Energy and Law.37 Energy-related subjects with a focus on the environmental dimension are featured occasionally in the Environment and Law Journal.38 Energy-related articles can also be sporadically featured in other long-running journals that focus on subjects such as European law, administrative law and taxation law etc.

Teaching energy law

Table 1 below identifies the universities, programmes and modules offered in energy law- related programmes in Greece. It is clear from the table below that energy law is growing in popularity in universities in Greece and that there clearly is an inter-disciplinary element to it.

Table 1: The range of energy law subjects offered in Greece³⁹

Energy Law Centres/University/Subjects Offered		
National and Kapodistrian University of Athens—Law School		
•	International Energy Law (LLM in International Law)	
•	Energy Law and Policy (LLM in Public and Administrative Law)	
Aristotle University of Thessaloniki—Law School and School of Civil Engineering (MSc in Law and Engineering for Energy)		
•	The fundamentals of Energy: resources, products, markets, actors and rules	
•	$Exploration, Extraction \ and \ Production \ of \ Hydrocarbons$	
•	Transportation of Energy Resources—Cross-border Energy Networks	
	Licensing and Procurement in the Energy Sector	
•	Design, Construction, Operation, Safety and Maintenance of Energy Infrastructure	
•	Energy and Environment: Environmental and Social Impact Assessment, Environmental Liability, Energy Efficiency and Climate Change	
•	Investments in the Energy sector: Assessment of investment projects, Financing, FDI and Settlement of disputes	
•	Trade in Energy: public regulation, commercial transactions, trade finance and commodities markets	

³⁰ For the conference papers on the topic of energy law at sea see http://www.energyatsea.law.uoa.gr [Accessed 23 January 2019]; See also M. Gavouneli, Energy Installations at Sea (Nomiki Vivliothiki, 2016) (in Greek).

³¹ The Energy Policy and Development Centre (KEPA) at http://www.kepa.uoa.gr/index.php/en/ [Accessed 23 January 2019].

³² e.g. KEPA publishes "The PROMITHEAS" scientific journal titled "Euro-Asian Journal of Sustainable Energy Development Policy", which is a semi-annual bilingual (English, Russian) publication addressing policy issues on energy and climate change, mainly from the Black Sea, Caspian, Central Asia and south east Europe regions. University of Piraeus, Energy and Environmental Policy Laboratory. See http://energypolicy.unipi.gr/index.php/about/ [Accessed 23 January 2019].

^{34 &}quot;Energy Papers" at https://www.des.unipi.gr/en/energy-papers-ma-energy [Accessed 23 January 2019] (in Greek).
35 MEPIELAN Centre, available at http://www.mepielan.gr/about-en.html [Accessed 23 January 2019].

³⁶ A professorship with a clear mention on energy in its title is the "Jean Monnet Professor of EU Energy Law and Policies" held by Professor Nikolaos Farantouris of the

Energy and Law Journal, available at http://www.sakkoulas.gr/index.php?page=shop.product_details&flypage=flypage.tpl&product_id=1372&category_id=165&option com_virtuemart&Itemid=118&lang=en [Accessed 23 January 2019] (in Greek).

Environment and law, available at http://www.nb.org/greek/books/periodika/periballon-dikaio.html [Accessed 23 January 2019] (in Greek).

•	Oil and Oil Products: Refining and distribution of oil
	products—Security of Energy Supply

- The electricity market
- The Natural Gas Market
- Renewable Energy Resources

Democritus University of Thrace—Law School (LLM in International and European Energy Law)

- International Energy Law
- European Energy Law
- **Energy Arbitration**
- EU Energy Transposition Law
- EU Environmental Law
- **Energy Economics**
- International Energy Arbitration
- International Energy Relations
- Energy at Sea

University of Piraeus (MSc in Energy Strategy, Law and Economics)

- International Policy-International Political Economy of Energy
- Energy Policies and Law in the EU and Member States
- **Energy Economics**
- Intergovernmental and Commercial Energy Contracts
- Competition in energy markets: Strategy and Institutions
- Energy networks in SE Europe, the Mediterranean and Caucasus
- Energy resources and Geopolitics
- International Policy and Energy
- Special Issues on Energy Finance and Risk Management
- Energy Strategy and policies in Europe and US
- Special Issues on Energy, Environment and Climate
- Special Issues on Greek Energy Policy
- Special Issues on Energy Law
- Special Issues on Research and Exploration of Hydrocarbons
- Special Issues on Regulation and Operation of contemporary energy markets
- Special Issues on Energy, Shipping and Maritime Transport

International Hellenic University

LLM in Transnational and European Commercial Law, Mediation, Arbitration and Energy Law

- European Economic Law
- Transnational Commercial Law
- International Commercial Arbitration
- Investment and Energy Arbitration
- Recognition and Enforcement of International Arbitral Awards / Mediation
- Energy Law

MSc in Energy Law, Business, Regulation and Policy

- Energy Law
- Energy Company Strategies, Operation and Finance
- Cross-border Energy Trade
- **Energy Economics**
- Energy and Environmental Policy
- **Energy Politics and Security**
- **Energy Transport and Storage**

National and Kapodistrian University of Athens—School of Economics and Political Sciences

EU Competition Law and Policy (this includes energy-related topics)

Athens University of Economics and Business (MBA International)

- Energy Economics and Policy
- Entrepreneurship and Sustainable Energy

Beyond the classroom—engaging with practitioners in Greece

It can be said that practitioners in Greece are highly interested in the field of energy law. In most cases, academics who have produced research in this field had a background or have been active practitioners. The main organisation for energy law professionals in Greece is the Hellenic Energy Law Association (HELA), which is the equivalent to the UK Energy Law and Policy Association mentioned in the UK Energy Law Education Review. HELA organised a series of events on energy topics in 2016 and 2017, hosted by the Athens Bar Association, which a high attendance, mainly by practitioners, but also academics and students.

Another active organisation in the field of energy law is the Hellenic Energy Regulation Institute (HERI).⁴⁰ established in 2013. HERI organises an annual event entitled "Energy Dialogues", which aspires to engage relevant stakeholders—government, trade associations and professionals—on timely debates of the energy industry. An interesting feature of this event is that the participating bodies and individuals have to submit a short introductory submission prior to the event in order for all participants to be able to prepare and sharpen their arguments ahead of the event—indeed, diverging interests and different approaches often make these energy events rather exciting!

Beside legal oriented events, initiatives have also been taken from business schools. For example, Athens University of Economics and Business has established, under the umbrella of its International MBA programme, the Energy and Sustainability Club which holds annual events on issues relating to all aspects of the energy business.⁴¹ The club was founded in 2012 and is a member

⁴⁰ Hellenic Energy Regulation Institute, available at http://www.energy-regulation.eu/index.php/en [Accessed 23 January 2019]; HERI also organises events at regular intervals with other research bodies, see, e.g. http://fsr.eui.eu/event/fsr-heri-conference-european-energy-law [Accessed 23 January 2019].

The Energy and Sustainability Club, available at http://www.imbaenergyclub.gr [Accessed 23 January 2019]. The authors would like to thank Professor George Ioannou

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of the Collegiate Energy Association, which is a global association for business schools' energy-related organisations.⁴²

Conclusion

This article provides an overview of the current state of energy law education in Greece as well as the relevance of energy-related activities from an academic and professional perspective. Similar to the *UK Energy Law Education Review*, the article does not intend to provide "answers" at this stage but merely to contribute to setting the platform of identifying the right questions. Before approaching the question of energy law scholarship, the article highlighted the reasons that led to an impetus for energy law scholarship, which was created by the market conditions and developments in the energy sector. This trend has been identified from Greek Higher Education

Institutions—to a higher or lesser degree. It can be said that the programmes offered and the centres active in the field do provide and demonstrate, in many cases, vivid and successful activity in energy law scholarship.

There are also initiatives taken by Greek universities which could be said to be at the forefront of current legal trends. 43 One might only assume the extent to which Greek higher education will commit to creating new, specialised energy centres and appoint academics with the specialisation of energy law. However, the fact that new programmes in the subject have been introduced in the last two years points to a dynamic trajectory for energy law as an emerging area. Finally, it is worthy mentioning that the platform set out by the US and UK reviews could start the cycle of examining this topic in other civil and common law jurisdictions, with the goal of a wider harmonisation and development of the discipline of energy law in the future internationally.

⁴² Collegiate Energy Association, available at http://www.collegeenergy.org [Accessed 23 January 2019].

⁴³ e.g. the University of Piraeus and the Greek Energy Forum organised an "Energy Academy" with the aim to identify the "Energy Leaders of Tomorrow" for the purposes of the Energy Union in South east Europe. The workshop took place in September 2017 in Piraeus under the auspices of Maroš Šefčovič, Vice President of the European Commission responsible for the Energy Union, available at http://energyunionfutureleaders.eventsadmin.com/Home/Welcome [Accessed 23 January 2019].