

Cross-border gas pipelines in the Black Sea

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Agenda

- Why the Black Sea?

- Black Sea & international law

- Maritime areas & state jurisdiction

- Coast to coast vs Field to coast pipelines

- 2019 Amendment to the Gas Directive

- Bilateral & Regional Cooperation

Black Sea – position



Maritime areas

Territorial sea - 12
nautical miles (22 km)

- full sovereignty
- full jurisdiction

Economic Exclusive Zone/
Continental Shelf - up to 200
nautical miles

- sovereign rights for exploration and exploitation of natural resources
- functional jurisdiction or limited jurisdiction
- protective jurisdiction

High Seas

- Black Sea lacks the high seas due to its enclosed nature
- not to be mistaken with the principle of the high seas

Completed cross-border pipelines



Coast to coast pipelines - e.g., White Stream



Turkey

EEZ

EEZ

EEZ

territorial waters

Romania

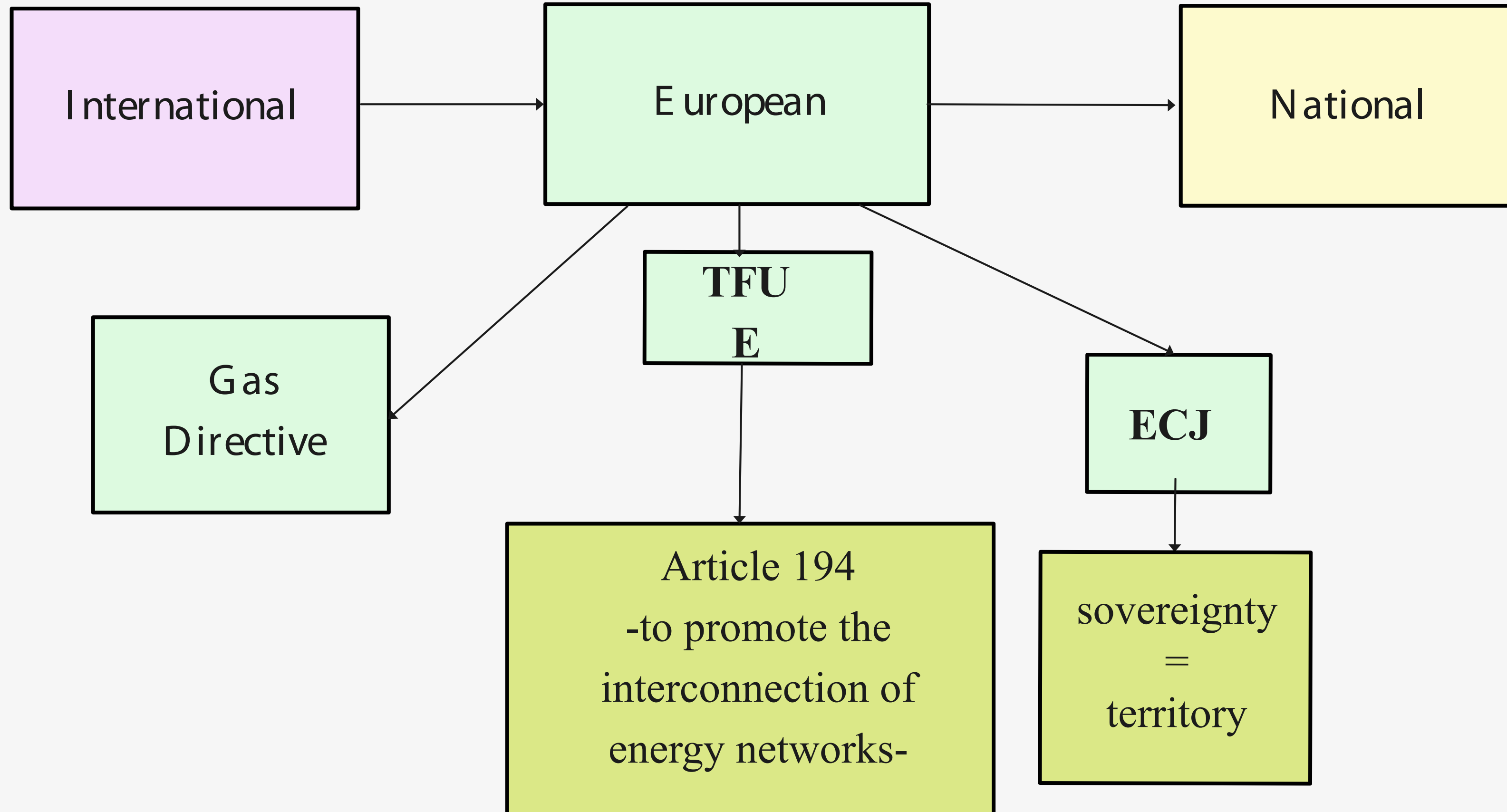
Bulgaria



Coast to field pipeline

- proximity
- characteristics of the Black Sea continental shelf
- market

Legal dimensions



EU Law Dimension - Gas Directive

Before 2019 Amendments	After 2019 Amendments
<ul style="list-style-type: none">• EU law applicable to coast-to-field and transit pipelines within the EU• pipelines to and from third countries? - Opinion of the Council Legal Services	<ul style="list-style-type: none">• new definition of interconnector - to include pipelines to and from third countries• EU energy law scope extended with 12 nautical miles for interconnectors from third countries

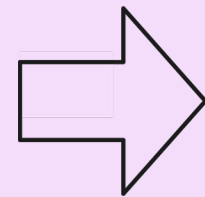
Definition of an interconnector

Before 2019 Amendments	After 2019 Amendments
<ul style="list-style-type: none">• transmission line which crosses or spans a border between MS for the sole purpose of connecting the national transmission systems of those MS.	<ul style="list-style-type: none">• transmission line which crosses or spans a border between MS for the sole purpose of connecting the national transmission systems of those MS or a transmission line between a MS and a third country up to the territory of the MS or the territorial sea of that MS.

Bilateral cooperation

Inter-governmental agreements - IGAs

- jurisdiction
- tariffs
- licensing regime
- cooperation regarding construction
- decommissioning
- safety regime



2019 Amendment

- EU' control over negotiations /re-negotiations of IGAs
- full compliance with EU law
- little incentive for third-party countries

Regional Cooperation for coast to coast pipelines

- Cross-border pipelines are subject to a mix of international, regional and national law
- EU law influence in the region increased exponentially, but an instrument solely designed under EU law would be hard to accept by non-EU coastal states
- Optimal solution \Leftrightarrow framework agreement based on international law to legislate the sections of the pipeline not covered by EU law (e.g., a section located on the EEZ/CS)

Thank you!

Do you have any questions?



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