#### AL-FARABI KAZAKH NATIONAL UNIVERSITY

**Law faculty**

**Department of customs, financial and environmental law**

APPROVED

Dean of Faculty

 (signature)

#### professor D.L. Baideldinov

#### " " 2021

**THE FINAL EXAM PROGRAM**

**Discipline: MKEP 5206 International conventions in energy law**

**Specialty - 7M04214 «Maritime and energy law »**

Course-1

Semester-1

Number of credits –2

Form of study: full-time, distance

#### Almaty, 2021

The program of the final exam based on the working curriculum in the specialty 7М04214 «Maritime and energy law» and was compiled by PhD doctor, associate professor

Teleuyev G.B.

The program was reviewed and recommended at the meeting of the Department of customs, financial and environmental law

 « » 2021, protocol №\_\_\_\_

Head of the Department Zhatkanbayeva A.E. \_\_\_\_\_\_\_\_\_\_\_\_(signature)

**Introduction**

The goal of the final exam is to systematize and consolidate the knowledge obtained by students over the entire period of study in accordance with the requirements of the educational curriculum.

This program is designed to prepare students for the final exam in Kazakhstan law and includes a review of its main institutions and categories, the study of which will contribute to students acquire the necessary knowledge and practical skills to apply them.

Only students who have completed the educational process in the discipline in accordance with the curriculum and the bachelor's program and have scored the corresponding points in accordance with the working curriculum of the bachelor's degree are allowed to take the final control.

The exam is held on the dates specified in the academic calendar and in the exam schedule on the Univer page.

Students who have received an unsatisfactory grade are allowed to retake the final control for this period only after paying the amount of money in the number of credits to the current account of al-Farabi Kazakh National University. A student who has received an unsatisfactory grade on the exam results will be issued an order to re-study this subject. If a student gets 20 points on the exam, they can re-pass FX by paying the amount to the current account of al-Farabi Kazakh National University. Documents related to the state of health provided after receiving an unsatisfactory assessment will not be considered.

You are not allowed to retake the exam to improve your grade.

The program includes questions on the entire course to prepare for the final exam and a list of recommended literature and Internet resources.

**Instructions for passing the exam:**

**Format of the exam**

The process of passing an oral exam by a student involves the automatic creation of an exam ticket, which the student must answer orally to the examination Board. When conducting an oral exam, video recording is required.

Oral examination: the traditional answers to the questions. It is held on the corporate platform of al-Farabi KazNU-Microsoft Teams or Zoom.

The format of the exam – online.

Teacher or exam Board:

- performs video recording of the exam;

- saves a video recording of the exam for 3 months from the end of the session.

**Duration**

Preparation time is decided by the examiner or the exam Board.

Response time is decided by the examiner or the exam Board.

It is recommended that 15-20 on the answer to all ticket questions.

**Rules of the exam:**

to pass the exam-testing, students must first familiarize themselves with all the requirements for conducting the exam in oral form. All of the user uploaded: https://drive.google.com/file/d/1u\_TOKL2MZiJsE3EJjluDNNv\_68WXb4rG/view?usp=sharing

Students should get acquainted with the date and time of the exam in advance in the "Univer" system, in the "exam schedule" section.

**IMPORTANT!** The exam is held according to a schedule that should be known in advance to students and teacher.

According to the exam schedule, the exam conference organizer (teacher or member of the exam Board) starts the conference on Microsoft Teams or Zoom, then sends invitations and launches the exam participants.

After connecting all participants in the online conference, the teacher or a member of the Commission:

a. turns on the video recording of the exam;

b. welcomes the exam participants;

c. warns that the video recording is being conducted;

d. announces the rules of the exam:

- order of examinees,

- preparation time response time;

- gives permission to write abstracts of answers, if necessary, on paper.;

- warns that the examinee will have to show the abstract sheet before starting the answer;

- allows other examinees to be in standby mode – not to be constantly in front of the camera, but not to leave the meeting;

e. announces the surname, first name and patronymic of the examinee;

f. asks the examinee to show the video camera:

- identification document (ID card or passport. It is FORBIDDEN to take the exam using a student ID card).

- the room in which it is located – the room should not be occupied by strangers, additional sources of information (if possible, on the part of the student);

g. warns against the use of additional sources of information

The Chairman of the exam Board calls the student's full name, asks them to turn on the screen demonstration, log in to their Univer account, open the exam ticket and read the ticket questions.

The Commission records the questions spoken by the student for subsequent questioning. The Commission asks the student to switch the image to the camera (make sure that the student's face is visible).

The Commission gives time to prepare the response:

- the teacher and/or members of the Commission determine the time for preparation;

- members and teacher control of the students making notes if necessary, or stop the student's response (in the case of gross violations of the rules of conduct at the exam, by the act of violation);

- students are allowed to use the draft to make a summary of the response. At the same time, the student must show the draft sheet to the camera before and after working with it.

The Commission interviews the student about the ticket. After completing the student's response, allows the exam taker to leave the video conference. Then the procedure is repeated with each student of the group.

**IMPORTANT for students!**

Before starting the oral exam, you should check:

- the internet connection on your work device (computer, monoblock, laptop, tablet), the device must be charged during the entire time of the exam;

- the web camera and microphone are working properly.

30 minutes before the start of the exam, all students of the group enter the video conference room organized by the teacher or members of the Commission using the link specified in the rules of the final exam (sent by the teacher/members of the Commission in case of disruption of the video service).

30 minutes before the start of the exam, the ability to log in to the Univer.kaznu system is checked.kz via any browser, but preferably via Google Chrome (if you lose your username and/or password, the student must contact the curator adviser before the exam starts). After verification, log out of your account while waiting for the Commission invitation.

**ATTENTION!** The student is not allowed to open a ticket before the individual invitation by the commission for the exam. Only at the request of the commission, the student logs in to the Univer account and opens their ticket under the video recording.

When the exam starts, the student who is called by the Commission shows his /her identity card to the camera.

Student:

- enables screen demonstration;

- log in to Univer account, go to the "exam Schedule" page, select the current exam by clicking on the "Pass oral exam" button.

The "Take an oral exam" function is active only after the start of the exam time;

The "Pass oral exam" function is only active for students who have incomplete final statements (exam, retake, Incomplete).

After clicking on the link “Take an oral exam”, a window will open where the student will see the questions on their exam ticket.

The student shows the screen with the ticket questions and reads them out loud.

Translates the display of the VKS service to the camera and prepares for the response.

At the end of my answer coming out the side video conference.

If ZOOM is used for technical reasons, the examiner must divide the exam into periods of 30 to 40 minutes for reconnection. The student must complete the exam in one session. It is forbidden to start responding in one session and end after reconnecting.

Video recording is turned off only at the end of the exam, when the answers of all examinees are accepted.

**According to the results of the exam:**

1. Examination Board and teacher certificate exam participants.

2. The final points are displayed in the final statement in the UNIVER IP.

The time for putting points in the certification sheet for the oral exam is 48 hours.

 **Evaluation policy:**

Criteria-based assessment: assessment of learning outcomes in accordance with descriptors, checking the formation of competencies (learning outcomes) at intermediate control and exams.

Summative assessment: assessment of activity and participation in work in the audience; task completion, SRS assessment

Topics for exam preparation

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| --- | --- | --- | --- |
| Rating by letter system | Digital equivalent | Points (%- s ' rate) | Assessment using the traditional system |
| A | 4 | 95-100 | excellent |
| A- | 3,67 | 94-90 |
| B+ | 3,33 | 85-89 | Good |
| B | 3,0 | 80-84 |
| B- | 2,67 | 75-79 |
| C+ | 2,33 | 70-74 | Satisfactorily |
| C | 2,0 | 65-69 |
| C- | 1,67 | 60-64 |
| D+ | 1,33 | 55-59 |
| D- | 1,0 | 50-54 |
| FX | 0,5 | 25-49 | Unsatisfactorily |
| F | 0 | 0-24 |

**Main topics for exam preparation**

**1 Concept and sources of energy law**

# The Global Future of Energy Law. The evolution of energy law and energy jurisprudence: Insights for energy analysts and researchers

1. **General characteristics of private legal relations in the energy sector**

One of the challenges in creating public-private partnerships is for governments to create an appropriate environment to attract private investment. When governments act in their sovereign role as guardians of the public welfare, they are essentially providers of public goods and services, which in turn may be delivered through public or private channels. When governments implement policy decisions and resolve political conflicts through the legislative and regulatory process, their role is objectively to carry out the will of the body politic.

1. **Scientific and legal aspects on energy security**

Energy Security problems are common: there have been major difficulties in California, New Zealand, Brazil, France, and (most recently) in the Eastern USA and Canada. \* This book is unique in covering what the state, through law, requires energy providers to do in order to prevent such crises. This volume examines energy security in a privatized, liberalized, and increasingly global energy market, in which the concept of sustainability has developed together with a higher awareness of environmental issues, but where the potential for supply disruptions, price fluctuation, and threats to infrastructure safety must also be considered.

1. **International mechanisms for regulating relations in the field of energy**

International energy law seeks to locate, synthesize and apply public international law within the context of energy. Traditionally, the regulation of energy sources and energy activities was within the exclusive domestic competence of States. The development of international energy law has been hastened by the increasing globalization and harmonization of energy and resources laws, policies, practices, and markets. Along with energy security concerns, growing evidence of negative environmental and human consequences of some State and private energy activities

1. **Multi-country cooperation of the European Union countries in ensuring energy security**

Another feature of the Energy Union strategy is that it ends up overcoming and superseding traditional distinctions between what is internal and what external in EU policymaking. The most effective way of reducing external dependency is increasing cross-border connectivity and extending market-related principles – with evident spillover effects in adjacent countries and regions. To use a fashionable term, enhancing energy resilience is a shared interest of the EU and its neighbours

1. **Bilateral agreements and energy security**

As part of that process we explore the complexities that contribute to the contentiousness of EU action in relation to certain aspects of energy. We also provide some background information on key facts and figures regarding energy in the EU. While extensive literature exists on discrete aspects of the EU-energy nexus, there is a lack of research contextualizing EU energy security through a constitutional/ public law prism. Cooperation in the field of energy security within the framework of an international organization

1. **Theoretical and legal aspects of The Energy Charter Treaty**

The European Union (EU) is for its most part dependent on the world outside its borders for a steady and secure energy supply. The EU borders, or is close to, areas rich in energy-related natural resource endowments – such as Russia, the Caspian Sea, the Middle East and North Africa regions, and Norway – from where the bulk of energy imports into the EU are sourced. The collapse of the Soviet Union and of the bureaucratic regimes in Central and Eastern Europe – which precipitated the opening up of those economies to globalization and its attendant processes – has increasingly made their energy-related natural resource endowments available on global markets. Developed, yet energy-poor, Western economies – many of which have galvanized behind the EU – saw opportunities to enhance their energy security through those economies on the brink of collapse.

1. **International legal regulation of greenhouse gas emissions in order to reduce their emissions into the atmosphere**

In short, the Kyoto Protocol operationalizes the United Nations Framework Convention on Climate Change by committing industrialized countries and economies in transition to limit and reduce greenhouse gases (GHG) emissions in accordance with agreed individual targets.

**9 International legal cooperation in the electric power industry and in the use and transit of oil and gas**

The EU external energy policy is crucial to complete the internal energy market. Past experience proved that bilateral energy relations between individual Member States and third supplier or transit countries can result in a fragmentation of the internal market rather than a strengthening of the EU's energy supply and competitivity. The regulatory framework which has been progressively put in place at the EU level entails important consequences towards partner countries such as in the field of network access, safety and competition provisions. With the 2014 deadline set by the European Council to complete the internal market for electricity and gas, it is urgent to fully unfold its external dimensio

1. **Main provisions and significance of the Convention on nuclear safety**

The Convention on Nuclear Safety (hereinafter referred to as “the Convention” or “CNS”) was adopted in Vienna on 17 June 1994 and entered into force on 24 October 1996. The objectives of the Convention are to achieve and maintain a high level of nuclear safety worldwide, to establish and maintain effective defences in nuclear installations against potential radiological hazards in order to protect individuals, society and the environment from harmful effects of ionizing radiation from such installations, and to prevent accidents with radiological consequences and to mitigate such consequences should they occur.

1. **State legal regulation of the use and development of renewable energy sources**

Using of sunlight, wind, rain, geothermal heat as source of energy promotes improvement of the ecological situation, reduces emissions in the environment and helps to save natural resources. Actuality of the research is proved by that. The main aim of the article is research of the perspectives of development of the renewable sources of energy. We have proved that about 18% of the world consumption of the energy is received from the renewable sources of energy. 13% is received from the traditional biomass (wood burning).

1. **Climate change: an international legal dimension**

It is with great pleasure and honour that I am writing a foreword for this eminent work, which seeks to promote the international rule of law, contribute to durable global peace, avoid conflict, lead to more effective protection of human rights, as well as sustain economic progress and development.

**14Discussion scientifical articles**

1. **Resolution of international commercial disputes in the energy sector.**

The international petroleum business invests in large, complex, capital-intensive projects that have long life spans. Circumstances, economics, governments and parties invariably change in these international oil and gas projects, which can often lead to a dispute. The petroleum sector is also a major global investor

**Literature: Educational literature:**

1. Elizabeth Bossley and Andy Kerr, Climate Change and Emissions Trading: What Every Business Needs to Know (CEAG Ltd, 3rd ed, 2019) 37.
2. Energy Charter Treaty, opened for signature 17 December 1994, 34 ILM 360 (entered into force 16 April 2018).
3. Kim Talus, 'OGEL Ten Years Special Issue: Internationalisation of Energy Law', Editorial (2020) 10(3)
4. Ulrich Drobnig/Sjef Van Erp, The Use of Comparative Law by Courts, 2019
5. Kluwer Law International, The Hague; Guy Canivet et al., Comparative Law Before the Courts, 2014
6. British Institute of International Comparative Law, London; Basil Markesinis and Jörg Fedtke, Judicial Recourse to Foreign Law: A New Source of Inspiration?, 2006 Routledge-Cavendish, New York/London. Of course, wide recourse to comparative law is made in international arbitration

**Internet sources**

1. www/zakon.kz
2. <https://www.dissercat.com/content/mezhdunarodno-pravovye-problemy-sotrudnichestva-v-sfere-obespecheniya-energeticheskoi-bezopa>
3. <https://www.dissercat.com/content/mezhdunarodno-pravovye-aspekty-obespecheniya-evropeiskoi-energeticheskoi-bezopasnosti>
4. <http://www.mkurca.org/documenty/international_agreements/>