# The role of energy in post-TTIP EU-US relations: potential for rapprochement?

## Introduction

Ahead of a meeting with President Putin on July 16th last year, when President Trump was asked who “the biggest foe was globally right now”, the first name that came up was, quite surprisingly, the EU’s. Trump proceeded with calling the EU a foe, “because of what they do to us in trade” (Baynes, 2018; Roth et al., 2018). While Trump was not at all that harsh some week later during a meeting with the President of the European Commission, Jean-Claude Juncker, these quotes nevertheless exemplify a new turn in EU-US relationships. This kind of discourse would have simply been unthinkable for Trump’s predecessors. Although EU-US relationships under the Obama administration certainly had their own problems, and signs of shifting American priorities away from Europe became apparent (Obama’s Asian Pivot), the EU and the US were still both firmly committed to the same ideals of multilateralism and a law-based international order. The question is to what extent this continues to be the case.

TTIP, the Transatlantic Trade and Investment Partnership, the FTA between the EU and the US on which negotiations were started during Obama’s presidency, might be an ideal proxy to describe the evolution of transatlantic relations. While TTIP certainly went through a rocky path during Obama’s tenure, when Trump became president TTIP was put in the colloquial freezer and negotiations simply came to a halt. This is a marked qualitative jump and is illustrative of the change in direction that came about when Trump was installed.

Trump’s “America First” policy starkly contrasts with the focus on multilateralism and a law-based international order of Obama. The national interest is the first and only relevant point of reference for policymaking. The previously existing entente between the EU and the US of shared ideals is no more. The natural state of things now is rather one of disagreement, than one of mutual understanding. Whereas in the past it may have made more sense to look for differences across the Atlantic Ocean, current circumstances oblige us to look at what the EU and the US still agree upon, have in common, or what might bring them closer together again.

This paper will make an argument for energy as such a potential source for rapprochement, through pointing at contemporary developments in the world of energy for both the EU and the US, and will look at obstacles standing in the way for energy to play that role. It will also deal with limitations of EU-US cooperation in the field of energy. Hence, it wants to look at how energy can play into the dynamic of post-TTIP “Trump Era” EU-US relations.

## The energy realities of the EU and the US

It does not take a lot of effort to see how energy is a promising venue for a re-emergence of transatlantic EU-US understanding and cooperation. The EU, on the one hand, not only imports more than half of its consumed energy from third countries (or 89 per cent of its consumed oil, 69 per cent of its natural gas and 43 per cent of its coal), it does this in a way which is objectively problematic. Indeed, the EU importing a majority of its energy resources from outside sources is not a problem in itself; interdependence is a central feature of today’s globalised economy and lots of countries rely on an external supply to power their population and industry. The problem in the case of the EU resides in the fact that this external supply is undiversified (i.e. a small number of countries take up disproportionately large shares of this external supply) and is stemming from unreliable sources (i.e. the few countries taking up the aforementioned large shares are characterised by unstable, volatile and/or undemocratic political regimes or regimes who do not eschew from using their energy supply as a political weapon).

In 2015, the five biggest suppliers took up around 62 per cent of the total oil imports by the EU. These five suppliers were respectively Russia with 27.7 per cent of the imported crude oil, Norway 11.4 per cent, Nigeria 8 per cent, Saudi Arabia 7.5 per cent and Iraq 7.2 per cent. For its natural gas, the four biggest suppliers, those with substantial shares, amounted for an even larger portion of the total gas imports by the EU, around 70 per cent. Russia took up a major 29.4 per cent of the imported natural gas, Norway 25.9 per cent, Algeria 8.8 per cent and Qatar 6.1 per cent.[[1]](#footnote-0)

What is clear from these 2015 data is that the EU’s external energy supply is characterised by undiversified dependence on unreliable sources. Of these dominant suppliers mentioned above, virtually only Norway does not seem to pose any problem. Norway is essentially a part of the Internal Energy Market through its membership of the EEA, thus applying EU energy regulation related to *inter alia* unbundling and third-party access. All of the other dominant suppliers present their own distinct problems for the EU’s security of supply but also for e.g. its normative aspirations. Russia may serve as a first case in point. Russia covers a massive 28 per cent of the EU’s crude oil import and 29 per cent of its natural gas import; some EU member states take up much larger shares of these Russian imports than others, making some even a 100 per cent reliant on Russia for their external natural gas supply. It is clear that this is an unhealthy situation, considering Russia’s eagerness to use their supply as a political tool (the so-called “gas weapon”). Multiple precedents demonstrate this willingness. In 2006, 2009 and 2014, as a consequence of political disagreements, Gazprom, Russia’s national, government-owned natural gas company, cut off gas supply to Ukraine, which, as major transit corridor for natural gas to the EU, caused major shortages in some EU member states. These were situations were Russia was not even directly targeting the EU or its member states, with already huge consequences; one might wonder what might happen if Russia does directly target the EU. On top of all of this, Putin’s Russia is hardly democratic and bears a lot of authoritarian tendencies; political opposition and other political freedoms are suppressed. The EU has to ask itself to which extent it wants to keep sponsoring such political regimes, and to what extent this is compatible with EU core values.

Similar problems can be identified for the other countries previously mentioned. Saudi Arabia’s legal system is based on the Sharia, Islamic law derived from the Quran and the Sunnah, which again thoroughly clashes with fundamental EU beliefs and values, such as for instance gender equality and opposition against the death penalty. Importing energy resources from such a country and political regime always and unequivocally means contributing to its survival and consolidation, a compromise by the EU which should be (at least) open for discussion. Iraq then is a country characterised by a highly unstable political climate, just coming out of a 3-year long civil war, involving the jihadist Islamic State, and is still subject to considerable violence and political conflict, with several factions trying to further their own particular interests. Besides the fact that this instability negatively affects the investment climate and may hinder production facilities and therefore export, making it an unreliable energy partner, oil fields serve as strategic zones around which the conflict may develop, quite literally fuelling the conflict and adding additional conflict potential to an already explosive cocktail. In this way, the list continues; leaving Norway out of the equation, every important energy partner of the EU comes with its own problems and creates its own sets of dilemmas for the EU.

It thus appears that the EU’s external energy supply, considering it is not realistic to accomplish energy independence in the short to medium term, is in need of diversification. This realisation has extended to the EU policymakers themselves for quite some time now. Already in the 2000 EU Commission Green Paper “Towards a European strategy for the security of supply”, diversification is put forward as a means of improving the EU’s security of supply: “… Among the objectives to be pursued are those balancing between and diversifying of the various sources of supply (by product and by geographical region).” The need for diversification was eventually formalised and became an absolute priority with the Energy Union proposal of the Commission-Juncker in 2014. The first pillar (of five) of the Energy Union is “Security, solidarity and trust”. Diversification is proposed as the primary way to deal with the EU’s security of supply in the external dimension of EU energy policy. Hence, the EU is clearly looking for alternative sources of supply to supplement its already existing energy partners. The question then rises where it should be looking.

That is where, so this paper argues, the US comes in. To demonstrate how, it is necessary to delve into the “energy reality” of the US. Once a large energy importer with high dependency rates on the foreign supply of crude oil, it is evolving into an energy producing superpower, so radical and rapidly it is oftentimes called the US energy revolution (or the shale revolution, see below) (Andrijanič, 2015). The roots of this revolution are twofold. The first reason has to do with technological advances making two complementary resource extraction technologies, previously deemed unfeasible, economically viable: horizontal drilling, which allows for the penetration of deep shale underground, and hydraulic fracturing, colloquially known as fracking, an extraction technique whereby high-pressure fluid (a mix of water, chemicals and sand) is injected into rock formations so as to force open existing fissures and release the crude oil and natural gas deposits contained within those rock formations. The combination of these two technologies allowed producers to recover larger volumes of oil and gas than previously possible at acceptable costs. The second reason, playing into the first, was rooted in market trends: the sustained high price of natural gas and crude oil sent signals to producers that it would be profitable to apply these combined technologies on a widespread basis (Blackwill & O’Sullivan, 2014; Boersma & Johnson, 2012).

This led to nothing less than an explosion of the exploitation of shale-based resources and equally of US crude oil and natural gas production in the last decade. Until 2006, it had been common US policy knowledge that crude oil and natural gas production were in constant decline since their respective peaks in 1971 and 1973 (Blackwill & O’Sullivan, 2014; Boersma & Johnson, 2012). Seemingly, the shale revolution has reversed this trend in spectacular fashion. The US has been the world’s largest producer of natural gas since 2013 already (Bruel & Doman, 2013). On top of this, based on preliminary estimates of the US’s Energy Information Administration Short-Term Energy Outlook, the US likely surpassed Russia and Saudi-Arabia to become the world’s largest crude oil producer in 2018, following a rapid increase in production levels since 2011 (Dunn & Hess, 2018). Hence, to describe the US as a nascent energy superpower is not only discourse or based on the potential of future shale exploitation, but is most definitely rooted in contemporary global energy market evolutions that point towards an overwhelming American dominance in the past decade.

This not only brings the American holy grail of energy independence closer, which has been the main energy policy objective for decades, it even allows the US to look in the outward direction (Blackwill & O’Sullivan, 2014). His isolationist tendencies might suggest otherwise, but Trump acknowledges this potential and wants to make use of the resource abundance the shale revolution brought about in the US, thus not only to establish the long-desired energy independence, but also to establish a more dominant US role in world energy markets. A Trump speech in 2017 unequivocally demonstrates the international ambition of the current American presidency: “Our country is blessed with extraordinary energy abundance, which we didn’t know of, even five years ago and certainly ten years ago. […] With these incredible resources, my administration will seek not only American energy independence that we’ve been looking for so long, but American energy dominance” (U.S. Department of Energy, 2017). Trump’s energy policy thus makes a qualitative jump from the traditional doctrine of energy independence to a new doctrine of energy dominance. What this new doctrine concretely entails, also becomes abundantly clear through the same speech: “And we’re going to be an exporter. […] We will be dominant. We will export energy all over the world, all around the globe. These energy exports will create countless jobs for our people, and provide true energy security to our friends, partners, and allies all across the globe” (U.S. Department of Energy, 2017). To make this possible, to “unleash” the wealth under the ground and become a major force in oil and gas export, Trump is lifting regulations on the production and exportation of domestic fossil fuels at a self-declared record pace (Lederer, 2018). Examples of this policy are for instance the approvals of the Keystone XL Pipeline and the Dakota Access Pipeline in his first week of presidency, projects that were previously denied permits by the Obama administration due to environmental concerns, which are supposed to elevate production levels even further (Dann & Medina, 2017).

It is now very obvious how the EU energy policy and the US energy policy can be reconciled. On the one hand, the EU wants to diversify its external energy supply away from suppliers it deems too dominant and/or unreliable. On the other hand, the US is unambiguously looking to project its newfound energy abundance onto the international scene through deregulation, to reap the full benefits of the shale revolution for its own economy, and allegedly also to “provide true energy security to our friends, partners, and allies all across the globe”. Although one might question to what extent Trump still considers the EU as a friend, partner or ally, one cannot deny the possibility for mutually beneficial cooperation here. During their meeting in Washington DC last summer, Trump and Juncker paid explicit and specific attention to the energy theme, and acknowledged the potential of transatlantic energy trade for both the EU (as a means of diversification) and the US (as a way to assert its new status of energy superpower and establish a market share in the second largest gas market in the world). The Joint Statement released after the meeting affirms in direct terms: “[…] we agreed today to strengthen our strategic cooperation with respect to energy. The European Union wants to import more liquefied natural gas (LNG) from the United States to diversify its energy supply” (European Commission, 2018).

Recent numbers prove these were not just empty words, but have had a real impact on EU-US energy trade relations. Since the Joint Statement of 25 July 2018, EU imports of LNG from the US have increased by 272 per cent. In terms of total EU LNG imports, the US share was 13.4 per cent of the last 6 months, whereas it was 2.3 per cent before the Joint Statement (European Commission, 2019b). In the month of January 2019, EU imports of US LNG amounted for a total of 1.3 billion cubic metres, compared to 102 million cubic metres for the same month in 2018 (European Commission, 2019a). Hence, the EU and the US made true on their pledge “to strengthen their strategic cooperation with respect to energy”, and were able to set aside their disagreements on other aspects of their trade relations to cooperate in an area that benefits them both.

If there is therefore one dimension which provides a positive outlook on the evolution of Trump Era US-EU relations, it is energy. In the next parts, obstacles for and limitations to the further development of energy cooperation and trade between the EU and the US will be discussed: what stands in the way of it even playing a bigger role in current EU-US dynamics, and what are limitations to EU-US cooperation in the energy sector?

## Obstacles for further development of EU-US energy relations

As illustrated earlier, a relatively big increase in LNG trade between the EU and the US can already be observed since the Joint Statement of last year. The LNG import capacity of the EU, however, shows that there is room for further increases in trade volume, deemed to advance both the security of supply of the EU and the US’s share in international energy markets (and its economy). EU spare regasification capacity is still ample: about 150 billion cubic metres is currently unused. Comparing this to January 2019 import numbers of US LNG which added up to 1.3 billion cubic metres, it is clear that there is still a tremendous amount of unfulfilled potential left on the table. Even more so, taking into account the fact that current import facilities are being expanded and new ones are being built in the Adriatic Sea, the Baltic Sea and the Mediterranean Sea, which would allow for even bigger amounts of LNG to come in (European Commission, 2019a). The EU unequivocally showcases its intentions here, putting diversification forward as a primary goal of its external energy policy.

What stands in the way on the supply side of things to make use of this abundant capacity to import on the demand side, specifically in the US’s case? The main demand from the EU’s side in this respect is for the US to lift its regulatory restrictions on the export of LNG. The same desire was seemingly also uttered by Trump in for instance his aforementioned “energy dominance” speech, where he called for a broader deregulation of domestic energy production and exportation of fossil fuels. These regulatory restrictions on the export of LNG concern a project-based licensing system, whereby a facility needs the approval of the Federal Energy Regulatory Commission (FERC) and the Department of Energy in order to be able to export. While the FERC does an environmental impact assessment and therefore checks for any environmental issues, the Department of Energy has to ensure that the activities of the exporting facility at hand would not harm the public interest. These are non-tariff barriers (NTBs) in the sense that they slow down or withhold exports of LNG to for instance the EU. However, if a country has a free-trade agreement with the US that includes a national treatment clause, these requirements of prior approval fall away, as LNG export to that country is automatically considered to be in the public interest. Therefore, facility applications who want to export LNG towards such countries must be approved without delay or modification.

Since the EU does not and will probably not have a trade deal with the US anywhere soon, LNG exports from the US to the EU have to go through this application process. The EU wants reciprocal treatment from the US, arguing that they do not have NTBs on their side, preventing US LNG from entering European markets. While this is true, this will not be a very convincing argument to American ears. Import tariffs, quotas or NTBs are usually quite rare for unprocessed fossil fuels, especially for highly energy import dependent blocs like the EU, since they are only hurting themselves through hindering access to products their entire economy desperately needs to function adequately. On the other hand, barriers to export are much more common in this sector, the most well-known probably being the production quota OPEC members agree on between themselves, which essentially entail export quota which distort the global oil market. In the case of the US, it happens to be that these barriers, erected from a security of supply point of view, have served the national interest (e.g. the energy independence objective) rather well, making the US rather reluctant to take them down.[[2]](#footnote-1)

This being said, there have been movements on the US’s side in this respect. The US ban on the export of crude oil, in place since 1977 as a consequence of declining US oil production and the oil crises of the 70s, was uplifted in 2015 (under the Obama presidency that is). Moreover, for exports of LNG, some apparent regulatory loosening can be observed. Obama, on the one hand, was more hesitant and ambivalent towards the export of LNG because of environmental concerns, which frustrated energy companies that complained about long waiting times for approval of LNG facilities and exports, although Obama did acknowledge the potential of LNG for diversifying the EU’s external energy supply. Trump, on the other hand, on top of sharing Obama’s position on its potential towards diversification in Europe, sees LNG as a crucial part of its trade strategy, to address bilateral trade deficits towards for instance China (Crooks et al., 2017). Rick Perry, current Secretary of Energy, whose department, as mentioned earlier, is charged with making sure LNG exports are in the public interest, clarified what Trump’s strategy meant towards LNG export applications: “My role is to make sure that the facilities are as operational and open for business as quickly as they can be” (Crooks et al., 2017). Hence, the Trump administration has clearly been aiming at making the application process less tedious, but does not necessarily want to remove the application process/NTB as a whole, which is ultimately what the EU wants.

The EU’s push for complete deregulation of LNG exports is understandable for two reasons. First of all, the EU is mostly interested in the American energy revolution for the opportunities it might bring towards diversification of its external gas supply, since its natural gas supply is the biggest threat to its overall security of supply, as the Russian gas crises will show. It is therefore not surprising that the EU is focusing on anything that will make the diversification in this regard even easier, because it is primarily the diversification of its external gas supply that the EU desires the most and ultimately the diversification that it deems most crucial. Any obstacle standing in the way of this should thus get the EU’s priority. Secondly, while the current American Secretary of Energy has made it his policy objective to make application processes as smooth and quick as possible, there is no guarantee that the next Secretary of Energy will provide the same leniency towards LNG export applications. Hence, it is in the EU’s interest to try to remove the application process as a whole, to make sure that a more sceptical Secretary of Energy, as far as the benefits of LNG exports are concerned, does not stand in the way of the EU’s diversification objective.

The main obstacle towards further increases of LNG trade flows between the EU and the US, at least as perceived by the EU, are thus regulatory restrictions on the American side. Future will show whether these regulatory restrictions will ultimately be uplifted; it is not sure how willing Trump is to do this. In the next part, this paper will focus on some of the limitations of EU-US energy rapprochement: where does EU-US cooperation in the field of energy stop, and where can it not go?

## Limitations for EU-US energy cooperation

In present day and age, ecological sustainability is almost universally considered as an integral objective for energy policy. For one, the EU sure seems to think so. Generally, it formulates three goals for its energy policy: security, competitiveness/affordability and sustainability. It thus aims at energy systems that are able to supply sustainable energy in sufficient amounts at affordable prices. One of the five pillars of the Energy Union is not surprisingly called “Climate action, decarbonising the economy”: sustainability is a core and central feature of EU energy policy. This paradigm has translated to numerous policy initiatives aimed at advancing sustainability, such as the EU Emission Trading System, putting a price on carbon, or the EU 20-20-20 targets, aiming for a 20 per cent cut in greenhouse gas emissions compared to 1990 levels, a 20 per cent share of renewables in the EU energy mix and a 20 per cent improvement in energy efficiency by 2020.

The most noticeable exception to the view that sustainability is a core dimension of energy, however, happens to be the Trump administration. Trump has shown his disdain towards climate science and the phenomenon of climate change as a whole on multiple occasions. During his candidacy for president he at one time called global warming a hoax (although he later retracted that statement). Last year, asked for a response after a report of his own government warning for the disastrous consequences of unmitigated climate change for the US economy, he replied: “I don’t believe it.” He cut the funding for the Environmental Protection Agency’s climate work, including scientific research and the Clean Power Plan (Obama’s climate policy initiative), a government official calling it a waste of money (expressing Trump’s view) (McGrath, 2017; Schulman, 2018).

These are only a few of the examples illustrative of Trump’s position, and it is not hard to find many more. His aversion towards climate change action extends to multilateral attempts aimed at dealing with the phenomenon, as his withdrawal from the Paris Agreement will show. It is therefore needless to say that the Trump administration is far from on the same line as the EU on this issue. The possibility of a united US-EU front to advance climate policy on a global level, as long as Trump is in power, is non-existent, putting a limit on an all-encompassing approach to EU-US energy cooperation.

A second limitation to EU-US energy cooperation has its roots in market conditions. While the shale revolution was spurred not only by technological advances, but also by market conditions making those technological advances profitable, market conditions could just as well work in the opposite way. Market conditions now have an enabling function towards US LNG exports to the EU, making them a competitive alternative to gas delivered through pipelines from for instance Russia. When market conditions change, the attractiveness of US LNG as a valuable alternative might also change. The question is then the amount of premium the EU is willing to pay for American LNG to achieve its diversification objective. Policy documents indicate that the EU’s willingness to pay such a premium is limited, and will be accepted as long as interference with the competitiveness objective of EU energy policy is tolerable. An update on the EU-US Joint Statement formulates it as follows: “The European Union is ready to facilitate more imports of liquefied natural gas from the US, if the market conditions are right and prices competitive” (European Commission, 2019a). Recently, EU Commissioner of Energy Arias Cañete also confirmed**:** “Natural gas will remain an important component of the EU's energy mix in the near future as we move towards cleaner sources of energy. Given our heavy dependence on imports, U.S. liquefied natural gas, if priced competitively, could play an increasing and strategic role in EU gas supply” (European Commission, 2019b). Hence, the EU does not want to further its security of supply at any cost. This means that EU-US energy cooperation (and transatlantic LNG trade flows) is always dependent on market conditions.

This part has proposed and analysed some limitations to EU-US cooperation in the field of energy, and put it in a more critical light. While current conditions enable mutually beneficial cooperation, this cooperation does not stretch through all dimensions of energy, as diverging EU and US perspectives on climate change show. Also, the current conditions may evolve into a less benign situation where the EU will have to make hard choices between enhancing its security of supply or maintaining the competitiveness of its energy sector (and consequently the competitiveness of its entire economy). The EU may well end up choosing the latter.

## Conclusions

This paper has demonstrated that energy is indeed a field where the EU and the US can find each other again in a time where there seems to be a growing divergence on a wide range of issues and shared values have diminished. The EU, looking to diversify its external energy supply to improve its security of supply, and the US, wanting to benefit from its newfound energy abundance on a wider scale, have both acknowledged the potential of mutually beneficial cooperation in respect to energy. This common understanding has already led to a remarkable uptick of LNG flows across the Atlantic Ocean, and taking into account both the consistent and rapid increase of natural gas production in the US and the spare LNG import capacity in the EU, which is continuously being expanded, there is still room for considerably higher volumes being traded.

Nevertheless, regulatory restrictions on the side of the US stand in the way of these volumes increasing at the pace the EU desires. While the US seems to take a “light-touch”-approach in the actual application of these regulations on the export of LNG, the EU is still pushing towards the complete removal of these regulatory restrictions. It is yet to see how the US’s position will evolve in this regard.

In the last part of the paper, limitations towards EU-US cooperation in energy have been discussed. Energy does not escape from the current “trend” in EU-US relationships of disagreement, as highly divergent positions on climate change have been identified (which, at least for the EU, is integral to discussions about energy). The EU considers climate action and sustainability as a core dimension of energy policy, whereas the current American president holds rather ambiguous views on climate change as a phenomenon and still seems to debate whether it is real or not. Also, the current evolution of EU-US energy relations has depended on favourable market conditions. If market conditions worsen in terms of the competitiveness of US LNG compared to other sources of natural gas supply, the EU might not be as willing anymore to make use of the US’s energy revolution to further its security of supply. Quite literally, the EU is not prepared to push its diversification policy at all costs. The future development of EU-US energy relations therefore depends on future market developments.

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1. Since coal takes up smaller proportions in the EU’s energy mix and its share therein is declining due to the climate engagements of the EU and its member states (while natural gas, for instance, is often seen as a transitional fuel towards sustainable energy systems), and the EU “only” imports 43 per cent of its consumed coal compared to 69 per cent of its natural gas and 89 per cent of its crude oil, the numbers for coal are less important/significant. [↑](#footnote-ref-0)
2. This is also why the WTO is considered so inadequate towards energy trade. It deals well with relieving import barriers, not so much with restrictions on export. [↑](#footnote-ref-1)