

**FORMAL REQUIREMENTS OF THE BIDDING PROCESS IN  
THE IRANIAN LEGAL SYSTEM AND THE WTO  
GOVERNMENT PROCUREMENT AGREEMENT: CASE  
STUDY OF OIL CONTRACTS**

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**Abstract**

Purchases made by government agencies to meet their needs for non-commercial purposes are referred to as government procurement. Government procurement is a competitive process that consists of several stages. This paper comparatively examines the above steps between the two legal systems of Iran and the World Trade Organization and concludes that there are fundamental and non-essential differences in the bidding process in Iran's legal system with the World Trade Organization. In order for Iran to join the WTO, some major differences must be resolved. In the meantime, we will take a brief look at the rules and regulations related to tenders in the oil industry. This paper uses a descriptive-analytical and comparative methods.

**Keywords**

Accession, Government Procurement Agreement, Technical evaluation, Tender's law, quality evaluation.

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## **EXPLAINING THE NATURE OF OIL CONTRACTS FROM AN ADMINISTRATIVE LAW PERSPECTIVE**

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### **Abstract**

The existence of a state in oil contracts and its specific requirements has raised disagreements on the nature of oil contracts in terms of administrative and non-administrative considerations. Experts like “Professor Doge” believed there’s no difference between administrative or non-administrative consideration in oil contracts. The other group believes that oil contracts are deemed to be administrative as non-administrative contracts are distinguished in terms of observation of legal obligations. With regard to the emphasis on governance principles, the existence of particular commandments and privileges, public person element, and its direct relationship with public interests, oil contracts are generally subjected to administrative contracts. The current study aims at expressing the comments as well as explaining administrative and non-administrative parameters and their compliance with oil contracts.

### **Keywords**

Administrative Contracts, Government, State Contract, Non-administrative Contracts, Oil Contracts. Public Law.

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**THE COMPARATIVE STUDY OF BUSINESS ENVIRONMENT  
OF INTERNATIONAL OIL COMPANIES AND NATIONAL OIL  
COMPANIES, AND PROPOSING SOME POLICY  
SOLUTIONS FOR ENHANCING THE COMPETITIVE  
ADVANTAGES OF THESE COMPANIES**

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**Abstract**

Major trends of change in the business environment of the oil industry had an impressive influence over the business models of the International Oil Companies (IOCs) as well as the National Oil Companies (NOCs) as the new competitors in this field. These trends brought about a number of changes in the business models as well. The researcher, consequently, tried to analyze the major trends of change in the business environment of these two types of oil companies through an analytic-descriptive approach, and assessed the influence of the changes in business environment of oil companies on the business models of the IOCs and NOCs. Finally, a number of suggestions were proposed to enhance the business models of these companies. The results of the study revealed that five major changes took place in the business environment of the oil companies. These major trends which were generally in favor of the NOCs and largely been at the expense of the IOCs, brought about three major changes in the business models of IOCs as well as three major changes in the business models of the NOCs. Based on these changes, a few suggestions are presented to improve the competitive advantages of NOCs and IOCs.

**Keywords**

Business environment, Business model, Comparative study, Global competition, International Oil Companies, National Oil Companies.

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## HUMAN RIGHTS AT THE INTERNATIONAL ATOMIC ENERGY AGENCY

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### Abstract

The International Atomic Energy Agency (IAEA) has targeted the use of the atom for peace and human well-being and has three missions in the field of safeguards, safety and nuclear science and technology. In the area of safeguard and security, which are the missions of a negative nature, if the Agency fails to meet its commitments, the rights such as the right to life, the right to health and the right to the environment will be violated; moreover, in the fields of science and technology and the use of atomic energy for peace, which are the missions of a positive nature, the Agency is required to take actions to realize human rights. Given that human rights must always be the starting point for the activities of international organizations for the gradual development of international law, the Agency's performance demonstrates the conflict between its normative and practical approaches to human rights. Although the Millennium Development Goals are at the center of the Agency's attention, for a number of reasons including the disbelief of the developed countries on the right to development, and the Agency's own disregard for some principles, such as the principles of equality and non-discrimination, as well as the lack of a mechanism to oblige the nuclear states to fulfil their commitment of transferring nuclear knowledge to the developing countries, has made the Agency less successful in the two areas of safeguards and the promotion of peaceful nuclear science and techniques.

### Keywords

Principle of Equality, Non-Discrimination Principle, Nuclear Safety, Safeguards, Right to Peace, Right to Development, Right to Healthy Environment.

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## **STUDY OF THE EVOLUTION OF FINANCIAL DERIVATIVES REGULATION IN THE UNITED STATES WITH EMPHASIS ON ENERGY AND OIL TRADES**

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### **Abstract**

The United States is one of the important origins of derivative instruments and markets in energy trading and has regulatory experiences instructive for other countries. In this paper, the background and evolution of eight laws adopted for derivatives regulation in this Country over the past hundred and fifty years in two periods -before and after the emergence of oil and energy derivatives- have been examined. The first four laws are enacted before emergence of energy derivatives and are mainly related to agricultural transactions that are the basis of the second period laws. The last four laws are related to after emergence and application of derivative instruments used in oil, gas and energy transactions in the last five decades. This article discusses the motivations, regulatory mechanisms and contents of each of these laws and finally presents the lessons learned for regulating energy derivatives in Iran and the world.

### **Keywords**

Derivative Instruments, Energy, Oil and Gas, Regulation, United States.

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## **EFFECTIVE CONCILIATION MORE USEFUL THAN DISPUTE ADJUDICATION BOARD IN OIL AND GAS PROJECT AND SUBSIDIARIES**

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### **Abstract**

Oil Contracts such as many other international commercial contracts are so complex. There are many subsidiaries in relation to an international construction contract. Disputes are an inseparable part of almost all international long-term construction contracts which deal with huge financial and human resources. How to deal with disputes and solve them is vital. Suspension or any stop in the project would definitely affect other subcontracts. There is a new trend for resolving disputes out of courts by the way of ADRs. These techniques need to be regulated to guarantee the enforcement of outcomes. Conciliation is one the ADR techniques. The method of harmonization of the current regulations in the Iranian legal system by international conciliation rules will be argued. By the way of these updates the decision of a conciliator could be enforced as a judicial award. This approach could to some useful extend guarantee the cash flow and financial efficiency of construction projects in long-term contracts.

### **Keywords**

Alternative Dispute Resolution, Conciliation, prevent project work stop, financial efficiency, effective enforcement.

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## LEGAL STATUS OF THE ENVIRONMENTAL REQUIREMENTS OF THE MARPOL CONVENTION FOR THE STATES PARTIES TO UNCLOS

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### **Abstract**

One of the issues addressed by the UNCLOS is the protection of the marine environment. The major challenge in this respect is that the Convention has in most cases only referred to general principles and requirements and has not specified more detailed rules and specific environmental standards. This can create many practical problems for States Parties in fulfilling their environmental obligations. The reasons for this include avoiding the practical difficulties and difficulties caused by the amendment and updating of this Convention in order to comply with the newer standards. The approach taken in UNCLOS is to refer to the rules and standards contained in other instruments, such as the “International Convention for the Prevention of Pollution from Ships (MARPOL)”, which is much simpler to amend and update. The challenge is the legal status of the rules and standards in the recent Convention for the States Parties to UNCLOS, since the convention has never explicitly referred to this document. However, these rules and standards seem to be binding for States Parties to UNCLOS, such as the provisions of the MARPOL.

### **Keywords**

Reference, Standards, IMO, UNCLOS, MARPOL Convention.

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## THE EU ELECTRICITY MARKET REGULATORY

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### **Abstract**

In the electricity industry sector, regulations have an important role. Regulatory means regulation and monitoring on electricity systems. In the European electricity market, regulatory has faced different challenges. In this legal system, the electricity market is regulated at both national and European levels. The principles of independence and accountability are seen recently at the both levels. Regulatory authorities have many powers and responsibilities. At the level of the EU, the EC and ACER are the most important elements of the electricity market regulatory framework. Additionally, these two unofficial regulators co-operate alongside them. Network codes have been approved to increase the efficiency of the domestic electricity market and increase co-operation and coordination between network operators. Due to the differences in financial and physical markets for electricity, each of these markets has its own regulating regime.

### **Keywords**

Regulatory, Regulation, Electricity Market, Electricity system, EU Market, Network Codes.

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## **SUBMARINE PIPELINES IN CONFLICT OF THE COASTAL STATE'S SOVEREIGN RIGHTS IN THE EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF**

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### **Abstract**

Transit of oil and gas submarine pipelines through Coastal State's Exclusive Economic Zone and Continental Shelf has conflicting interests which necessitates balancing this in the context of International Law of the Seas, which is the subject of this paper by descriptive and analytical model. The main question of the research is what are the rights and obligations of the Coastal State as opposed to the rights and obligations of the oil and gas submarine pipeline applicant in the Coastal State's Exclusive Economic Zone and Continental Shelf? The research findings show that Coastal States want to further restrict the submarine pipeline applicant in the Coastal State's Exclusive Economic Zone and Continental Shelf, while the latter also have the freedom to lay submarine pipeline. However, delineation of the course for laying of pipelines is subject to the consent of the Coastal State which the submarine pipeline applicant requires.

### **Keywords**

Submarine Pipelines, Exclusive Economic Zone, Continental Shelf, Coastal State, Convention on the Law of the Sea.

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## THE PROTECTION OF ENERGY INFRASTRUCTURES IN INTERNATIONAL ARMED CONFLICTS

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### **Abstract**

The Energy Infrastructures are critical for countries in terms of economic and social aspects. The occurrence of international armed conflicts exposes them to destruction or disruption. These infrastructures have also faced modern cyber threats with the development of technology. Therefore, the international legal and humanitarian protections of these installations have become a paramount necessity. Such legal protections are applicable under international human rights and humanitarian law. The provisions of the Geneva Conventions and the First Additional Protocol, play a significant role in this between. This article has been written in a descriptive and analytical method, with the aim to conceive the nature of these international legal obligations and to understand the state of these rules and regulations. The article eventually concludes that, by the emergence of new methods of warfare and the growing threats against the energy infrastructures, the protections stipulated in these instruments appear to be inefficient. The initiatives of governments and international organizations to codify the legal rules and regulations, although non-binding in nature, need to keep pace with the increasing threats.

### **Keywords**

Armed conflict, Cyber attack, Customary rule, Energy infrastructure, Humanitarian law.

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## **COMPETITION LAW IN ENERGY SECTOR; WITH AN EMPHASIS ON THE EXPERIENCE OF THE EUROPEAN UNION AND IRAN**

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### **Abstract**

Energy law has always been important for governments. The energy market has significant issues, such as security of supply, due to its strategic and influential position. Therefore, governments have entered this field and have regulated this market. The important question in this regard is whether rules of competition law can be applied to energy market or not? If the answer is positive, is the level of applying these rules in the energy markets similar to other goods and services markets? And is there any particular restriction to the application of these rules in energy market? This article attempts to examine the European Union's experience and the Iranian one in answering the above questions. The EU has made efforts to achieve the objectives of competition law and energy law, the most important being the application of liberalization packs. Studies have shown that it is possible to apply the rules of competition law in the field of energy. At the same time, the application of these rules should be suitable to the structure of such markets and inevitably there are limits to the application of the rules of competition law. In Iran, despite the establishment of Stock Exchange of Energy and the possibility of selling electricity to major consumers by private power plants, the Iranian energy market cannot yet be regarded as a competitive market. Therefore, this article concludes that Iranian legislator and the competition policy makers in Iran need to apply specific rules and regulations to develop competition in our country's energy market.

### **Keywords**

Antitrust Law, Energy Market, Liberalization, Market Regulation.

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## COMPARATIVE STUDY OF OWNERSHIP OF OIL AND GAS MINES IN IRAN AND NAFTA COUNTRIES

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### **Abstract**

Oil and gas resources are of particular importance in each economy and constitute one of the main foundations of economic systems. Since this wealth play an important role in the progress and growth of each country, various economic systems and, consequently, those governments seek to explain the property rights of these resources. The history of the transformation of oil contracts and national movements has always been associated with the fact that ownership of the underground oil and gas resources will remain in the hands of the host government. From a legal point of view, various assumptions about ownership of oil resources have been designed, which are discussed in this paper under two general titles of public and private ownership. The system of ownership of the countries of America and Canada, and Mexico and Iran, as the subcategory of these two systems of ownership will be reviewed.

### **Keywords**

ownership, mines, oil and gas, Iran, NAFTA countries.

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