



# Lecture 7: A New Statehood within the Multilevel System

## Episode 2: The Role of the European Union

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Episode 1: The Role of the Proactive State

**Episode 2: The Role of the European Union**

Episode 3: Interview



1. You understand the characteristics of the EU.
2. You know about the impediments for a Common Energy Policy.
3. You have an understanding about the proactive options of the EU in the member states.
4. You have an overview of the EU options in the international context.



- I. The EU
- II. Impediments for a Common European Energy Policy
- III. Proactive Options at EU Level
  - 1) Possible Courses for Action in the Member States
  - 2) Possible Course of International EU Action



## The EU

- A union of states and a federal state with 27 member states („sui generis state“)
- Characteristics: supranational law, European Court of Justice
- Removal of national sovereignty by means of a supranational policy integration and through its convergence into a transnational European society



# Impediments for a common European energy policy

Basic principle of limited individual authorisation (Art. 7 TFEU)

- No authority for regulating the establishment of a comprehensive transnational energy network
- No authority for setting the legal framework for an energy mix



## Proactive options at EU level

Decisive pioneering role of the EU in the transformation by:

- Initiating of transformation-promoting measures in its member states through ambiguous legal and political requirements
- Diffusing of advanced development beyond member states area through cooperation with non-member states



## Possible courses for action in the member states

- Emphasising climate protection in EU treaties
- EU climate policy mainstreaming
- Establishment of a common energy policy
- Expansion of EU competency
- Promotion of accelerated renewable energies expansion
- Construction of continent-wide energy grids
- EU-wide grid access





## Emphasising climate protection in EU treaties

- Establishment of the objective climate protection in primary EU law (Treaty on European Union, Treaty on the Functioning of the European Union)
- Amendment of the horizontal clause in Art. 6 TFEU by an obligation to protect the climate



## EU climate policy mainstreaming

- High priority of climate protection and transformation issues
- Anchor climate protection and transformation issues in all government departments
- Anchor them in all planned legislative processes



## Establishment of a Common energy policy

Development should include the following elements:

- The regulation of grid access
- Targets for the reduction of carbon dioxide emissions
- Expansion of grid and storage facilities
- EU foreign policy competence to enter into agreements with non-member countries



## Expansion of EU competency

### Extending of the EU authority to

- The right to determine the legal framework for the member states' energy mix
- Oblige member states to establish energy grids
- Enforce grid expansion plans in cooperation with non-member states



## Promotion of accelerated renewable energies expansion

- Ambitious goals up to 2050
- Interim targets subject to reassessment
- Sanctions for non-compliance (in form of treaty infringement proceedings and collective European legal action)
- Incentives that encourage investments to be made where they are most profitable (e.g. standard feed-in tariff)
- Phase out of subsidies for fossil and nuclear power fuelled energy generation
- Establishment of binding energy efficiency targets



## Construction of continent-wide energy grids

- Continent-wide production, consumption and storage network
- Trans-continental high performance electricity supergrid
- Grid linked to neighbouring countries, that produce or store energy (Norway, North Africa, offshore)  
  
→ Offset regional or temporal fluctuations, contribution to the efficiency and improvement of the strategic supply situation



## EU-wide grid access

European internal energy market not sufficiently liberalised

### Necessary measures:

- Establishment of a regulatory authority
- Implementation of the already extensive demerger regulations
- Support of the Agency for the Cooperation of Energy Regulators (ACER), the European Network of Transmission System Operators for Electricity (ENTSO-E) and the European Network of Transmission System Operators for Gas (ENTSO-G)



## Possible course of international EU action

- Extension of external EU competency (for international agreements with neighbouring states about grid infrastructures etc.)
- Promotion of cooperation with neighbouring countries (e.g. energy partnerships with North Africa)





1. What characterises the EU?
2. What are the impediments for a Common Energy Policy?
3. How can the EU promote the transformation in its member states?
4. What are the proactive options of the EU at the international level?



### Basic information:

- WBGU (2011): World in Transition: A Social Contract for Sustainability, chapter 4. Berlin.  
[www.wbgu.de](http://www.wbgu.de)

### Further reading:

- Landfried, C. (2002): Das politische Europa. Differenz als Potential der Europäischen Union. Baden-Baden: Nomos.
- Kahl, W. (2009): Die Kompetenzen der EU in der Energiepolitik nach Lissabon. Europarecht 5 (44), 601-621).
- Scharpf, F.W. (1985): Die Politikverflechtungs-Falle: Europäische Integration und deutscher Föderalismus im Vergleich. Politische Vierteljahresschrift 26 (4), 323-356.
- EU COM – European Commission (2010): Energy Infrastructure Priorities for 2020 and Beyond – A Blueprint for an Integrated European Energy Network. Communication from the Commission. COM (2010) 677/4 final. Brüssel: EU COM.



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