

External Dimension of EU Energy and Climate Policy: What's in a name?

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External dimension of EU energy and climate policy

- ❖ European Union – Growing regulatory superpower
- ❖ Soft and hard measures of shaping the third countries energy policy
- ❖ Energy Law 2.0 – Challenging times with new attributes (!)
 - Response to energy transition challenges and low-carbon economy
 - Energy laws and governance process in constant change
 - Law of climate change on the edges of several other areas
 - Climate responsibility and much-awaited decarbonization agenda
 - Fastest evolving trends of today's legal scholarship (?)



Today's agenda:

I. Theorizing on conceptual framework

II. European Green Deal

III. European Climate Law

IV. Implications for Contracting Parties

V. Concluding cues



Theorizing on conceptual framework

- ❖ Europeanization – Incentive structure EU policymakers and stakeholders
- ❖ External Governance - Model of internal rules beyond the formal borders
- ❖ Positive conditionality – Not a buzzword, but a toolbox!
- ❖ ENERGY in and out
 - Shared competence, Subsidiarity & Proportionality
 - External application – not in the treaties
 - General rules - Art. 216 (1) TFEU; Art. 3 (2) TFEU
 - ‘Implied power’ through the CJEU
 - What more: Art. 47 TEU, Art. 21 (2) TEU

OK thanks, but
what about the
third countries'
applicability?

- ❖ The ways, methods – free political choice
- ❖ Legal, political and administrative obligations (!)
- ❖ Multiple regimes: bilateral, trilateral, multilateral
- ❖ Differentiated legal force and nature
- ❖ Room for 'legal homogeneity' (?)

ENP, PCA, EaP, TA (Southeast)

Association Agreement

Energy Community

OLD LIFE NEW LIFE





The European Green Deal

#EUGreenDeal

“Stone age came to an end not for a lack of stones...”

- ❖ Green Deal Diplomacy – Modern day of Europe’s positive conditionality (?)
- ❖ Just energy transition for ‘no one living behind’
 - EGD Investment Plan
 - Just Transition Mechanism
 - Next Generation EU (recovery package)
- ❖ Revitalized approach to UN 2030 Agenda and its supplement SDGs
- ❖ Not a European vision only but engaging with neighbors (!)
- ❖ Implementation tool (for now) – already enacted, existing laws with possible scenario of a new legislative firestorm in Europe

Unlocking European Climate Law



#EUGreenDeal

EU CLIMATE LAW ADOPTED

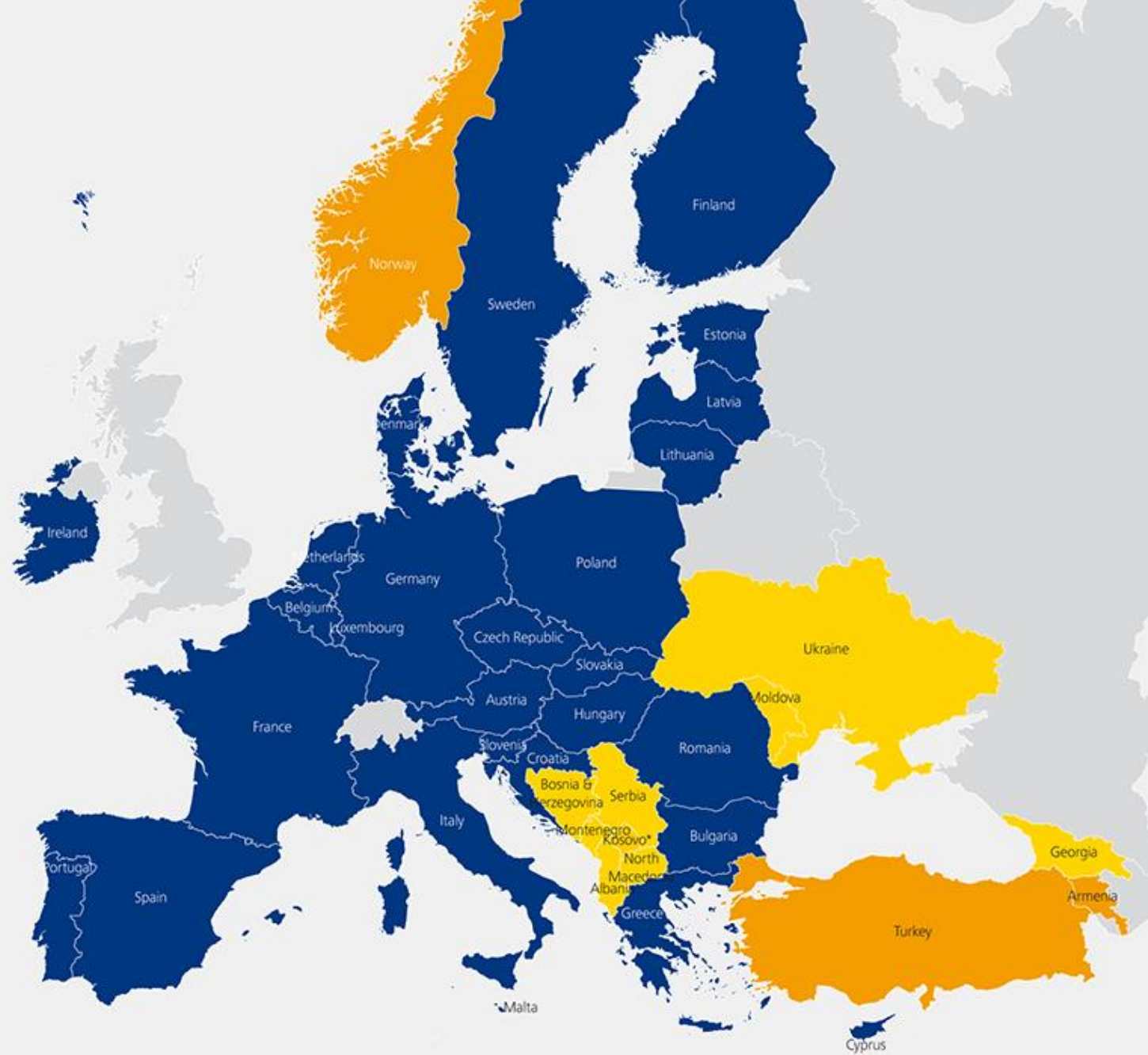
- ❖ Regulation, Art. 192 (1), TFEU
- ❖ Binding EU 2050 Target (CN)
- ❖ Binding EU 2040 Target (2023)
- ❖ Binding EU 2030 Target (55 %)

“Fit for 55 Package” (2021)

Collective EU Goal

- Soft enforcement
- Public participation
- Adaptation component
- Fairness & solidarity

Implications for EnC Contracting Parties



★ European Union

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

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❖ UNFCCC framework & Paris Agreement

❖ Updated NDC 2021

(1) Unconditional target 35 % below 1990 by 2030

(2) Climate Strategy 2030

(3) Climate Action Plan 2021-2031

❖ Establishment of MRV > EU's Annual Compliance Cycle (MRR, AVR)

❖ 'Winter Package' - EU Targets v. EnC Targets v. National Targets (?)

(1) EnC Ministerial Council adoption of triple 2030 Targets (GHG, RE, EE)

(2) Association Agreement revision (ie. Annex XXV and Annex XXVII)

❖ Planning aspect - NECP > NREAP, NEEAP, LTS (LEDS) etc.

CASE STUDY: GEORGIA

“No one can whistle a harmony. It takes the whole orchestra to play it!”



Three things



Thank you!

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