**Energy Policy of European Union: An Evaluation with regard to the Energy Supply Security**

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**Abstract**

After the global oil crisis, especially after the interruption of natural gas flow coming through Ukraine, the attempts to improve the energy policy in European Union accelerated. The dependency of European Union on external sources has damaged the trust for sustainable energy supply in Europe.

As a result of such lessening trust for energy supply, the European Union authorities have concentrated on diversification of the energy supply sources. Especially, authorities of European Commission started to design energy policy after crisis of natural gas transfer from Ukraine. Accordingly, the rebuilding of the trust for energy supply requires to increase European Commission role in the making of energy policy.

**1. Introduction**

The studies about energy policy in European Union (EU) have been maintaining since 1950 in primary sources of law and secondary sources of law levels. But, the authorities making energy policy in European Commission (EC) have been extended after natural gas transfer crisis . Outside of publishing and declaring such papers EC tended to take effective politic decisions considering the aforementioned increase role of authorities.

The energy policy of EU affects all the markets. The cheaper, more quality and uninterrupted energy supply to the consumers is the main theme of making energy policy and energy supply security. To make energy policy in Europe is under the responsibility of the member states’ monopoly. That is to say, the member states have tried to consider their national interests and accordingly build up their own energy policies. But after such oil shocks and natural gas transfer crisis EC has started to become widespread cooperation with member states. Nevertheless, the member states still do no compromise their national interests and has a gap in planning of common energy policy between member states (Aydın, 2016: 511-519).

In the present time, one of the topics considered and discussed by the EU bodies is the establishment of energy supply security. The significance of the topic has been declared clearly in 2006 when the Green Paper (EEA, 2018) is published as a result of the concerns with regard to the energy supply security. The EU energy supply security includes three important concerns namely “the reasonable energy prices”, “the supply from external sources and particularly on Middle East” and “environmental impacts” (De Jong, 2008: 95-99). Other than these concerns, the sub-topics such as security of energy supply, sustainable energy supply, short term security measures and uniting the energy networks are also included under the frame of EU energy policy.

EU started to place a greater notion of energy security in parallel to the increasing international trade with partners (Gunther, 2004: 353). The energy supply security is being recognized more and more by the member states regarding the increase of the trade resulting in the increasing consumption which automatically rises the need of the producers for energy sources to realize more production. Consequently, extending the authorities of EC i.e. empowering such authorities from the national level to supra-national level has become the agenda.

The purpose of this paper is to examine energy supply security in European Union. In this context, primarily, the energy policy of European Union and the role of the European Commission will be examined. Thereafter, energy supply security in European Union and the latest acts related to the energy supply security will be mentioned. Finally, regional cooperation for energy supply security will be discussed.

**2. The Energy Policy of European Union and the Role of the European Commission**

Many scholars have studied on the legitimacy of EC for establishing the energy policy of EU at union level. Kingdon (1995: 3. chapter) has based on the historical organization of the EC and analyzed the respective political evolution aiming to conceptualize the subject of political entrepreneurship (Pierson, 1996: 20-26; Bulmer, 2009: 310-315). Moreover, another dimension dealt by the aforementioned study is the process of legitimacy for a politic decision through the process towards its concrete functionality. Kindgdon, particularly, defended the politic entrepreneurship of EC. The findings of Kingdon have been supported by many other scholars (Laffan, 1997: 430-435; Moravcsik, 1999: 270-275).

Kaunert defines the state of making realistic and effective policies in EU as an output of legitimacy (Kaunert, 2010a: 170-175; Kaunert, 2010b: 110-125; Scharpf, 1999: 5. chapter). That is to say, if a political decision is taken, then such decision has been regarded as legitimized. Wallace, on the other hand, claims that the realized political entrepreneurship related to the energy policies after Lisbon (Reform) Treaty is the approval (legitimization) of the non-formal policy of the Community as the formal policy of the same (Wallace, 2002: 330-335).

In addition to the high number of scholars approving the legitimacy of EC with regard to make energy policies, the role of the Commission has been even more concrete when the number of member states have climbed up to 27 from 15 through the 2004-2007 period (Roeben, 2017: 18-20). This was because two important drawbacks of the new member Eastern Europe countries had been seen. The first of these drawbacks was the high energy dependency of these countries on Russia and particularly their natural gas import dependency from the same. The second drawback was their concerns and distrust with regard to the foreign energy policy of Russia (Princen and Rinard, 2006: 1125-1130).

EC has developed the approach of “effective interpretation of the problems and pre-determined response” with regard to this subject (Bauer, 2002: 385-390). Moreover, the social concerns related to the energy supply security has caused the commencement of political decision making process (Rhinard, 2010: 416-417). As a result of such concerns, the energy supply security is upgraded to supra-national level and accordingly the role of EC for determining the energy policy has started to become more and more important inevitably. Thus, the EC has been secretly licensed for legislation related to the energy supply security and the determination of the political process (Leitner, 1997: 130-135). In other words, the concentration arising from the social concerns has been exploited by the EC and, consequently, EU level political responsibility has been transferred to the Commission by means of “Management System Network” (Egeberg, 2006: 1-16).

The definition of the supra-national scale with regard to the energy management topic and resolution of the respective political problems depend on the build-up of society (Niemann and Schmitter, 2009: 45-66). EC has partly been authorized, and deemed licensed for such an objective, for establishing the energy policy in EU level (Leitner, 1997: 135-140). The problems of this title have been understood as the common problems of EU and accordingly the joint solutions have been required.

According to the Bulmer (2009: 310) and Pierson (1996: 7-10), the mutual dependency of the national and supra-national organizations should be widened and developed while taking political decisions. Thus, the social acceptance of the mutual dependency requires the establishment of the culture of integration and re-organization. The White and Green Paper practices of EC, which are supra-national political initiatives, may be taken as the examples for such culture establishment.

Bauer (2002: 393-397) have defined the energy policy works of the EC as a positive initiative and claimed that the EU energy supply security attitude should be proceeded under two acts. These two acts are designated as the “securing the energy supply” and “formation/generation of Union Energy Market”. The next chapter is solely explaining the energy supply security whereas the works and acts of EC with regard to the energy supply security.

**3. Energy Supply Security in European Union**

Energy security means the availability of energy sources at suitable prices and without interrupted in long term (IEA, 2018). According IEA definition energy security explained within three dimensions:

* Long term energy security,
* Short term energy security,
* Lack of energy security,

Long term energy security covers investments supplying energy within economic development and sustainable environmental needs. Short term energy security makes a sign promptly reaction to sudden changes within the supply-demand balances. Finally, lack of energy security shows the negative economic and social impacts on time of increasing energy sources prices. According to this definition, EU countries effort to improve energy security over the longer term by promoting energy policies. Also, they want to do encourage diversification, both of energy types and supply sources, and facilitate better functioning and more integrated energy markets.

In terms of types of risks, definition of energy security includes four aspects (APERC, 2007: 7-35):

* Availability (geological)
* Accessibility (geopolitical)
* Affordability (economic)
* Acceptability (environmental and socail)

This opinions are about long-term depletion of fossil-fuel reserves and environmental aspects of energy security. Also, U. S. Chamber of Commerce presented four dimensions of energy security that resemble this approach (U.S. Chamber of Commerce, 2010):

* Geopolitical: Comprising of energy imports, particularly from politically unstable regions,
* Economic: Consist of high energy intensity end trade imbalances,
* Reliability: Adequacy and reliability of infrastructure,
* Environmental: Related to the carbon intensity of the energy system.

This indicators often overlap in multiple dimensions and this approaches cover such key factors as the resilience of energy systems. Outside this expression, Gupta (2008) emphasize the economic and physical availability of energy sources for energy security. Keppler (2007) in his own studies, explained distinction between physical and economic concerns by critisizing on conceptual grounds. Of course, environmental concerns are usually treated by policy makers as constraints rather than primary goals of energy security.

Generally energy security studies in EU are carried out within directives. Firstly, the green energy directive (EUR-Lex, 2018a) has been prepared in 2003 related to the energy supply security under the lead of EC. Later, EU started to make energy policy with regard to the energy supply security since 2005 particularly with the support of England (Helm, 2004: 10-13). Moreover, EC has stressed the topics “diversification of energy sources” and “determination of the energy corridors” under the coverage of “Green Energy” approach (European Commission, 2008: 1-5). The legal arrangements which shall frame the EU’s energy strategy in line with the Green Energy approach have been taken in the agenda. This strategy has been finalized in January 2007 and in fact has formed the basis for the Lisbon (Reform) Treaty (EUR-Lex, 2018b) by means of its energy subjects.

The Article 4 of the Lisbon (Reform) Treaty explains the joint decision making process and mechanism related to the energy whereas a basic platform for a transparent competition among the member states has been prepared; and finally, the titles as “formation of an internal energy market” and “establishment of Trans-Europe Network” etc. arrangements have been included in the law sources of EU in the form articles. Moreover, the Article 194 of the Treaty refers to the solidarity within EU (in addition to the organizational authorized explained in previous parts) and discusses the opportunity of more cooperation for energy networks once the trust based energy market is formed and the supply security is maintained. Also, articles 170-172 Treaty on the Functioning of the European Union (TFEU) and article 191 TFEU, concern trans-European energy networks. Combating climate change is one of the objectives of EU environmental policy (European Union, 2012: 126).

According to Konstadinides (2011: 6-12), the Article 194 of the Lisbon Treaty has gifted a legal personality to the energy title and required “inter-governmental cooperation” for the energy decisions which is undertaken by the member states. As a result of this cooperation, the energy supply security has been included in the European Security Strategy in the year 2008 (Konstadinides, 2011: 4-6). Under this context, the 2008 report of the EC has stated as “an EU Energy Security and Solidarity Action Plan” (EU, 2008) to be prepared and the energy supply security has been a subject to be handled by “supra-national organizations”.

**4. The Latest Acts related to the Energy Supply Security**

The political works related to the energy supplyin EUare being conducted at the moment under the concept of Energy Union in this time. EU aims to provide safe, sustainable, cheap and competitive energy to its citizens, despite all the problems faced by the Energy System. In most of the EU countries, certain politic initiatives can be seen due to the interruption of energy supply and particularly the natural gas supply from Ukraine. Generally, the aim of such initiatives summed up to reduce the dependency on fossil fuels, carbon emission and energy prices.

Beside of the slow advancement of the integration in EU energy market, there are non-harmonizations between national policies and non-existence of a joint attitude by the member states in energy policies for full formation of an Energy Union. Thus, the politic entrepreneurships (initiatives) realized in members states level try to form an effective and integrated energy market in the first step. The "2030 Climate and Energy Policy Framework" (European Council, 2014a: 3) and “European Energy Security Paper” (entered in force in 2014) (European Council, 2014a: 10-20) define the stages of the action plan accepted to build up an Energy Union. This project especially focused on the necessity to interconnect the political areas.

The aforementioned project has recommended to establish a mutual cooperation of the countries with regards to five different topics which are “establishment of energy supply security under solidarity and trust”, “establishment of internal energy market”, “more effective energy by means of supply management”, “low carbon emission economy and respective researches” and “an energy market basing on innovation and competition”. The listed topics/subjects are the content of the works aimed and Energy Union. The aforementioned strategy document defines these topics as long-term measures.

Internal energy market in the EU was formed by three market liberalization packages adopted in the 1990s, 2003 and 2009. These regulations provide for the 'unbundling' of energy production and supply from energy-transmission networks, as well as third-party access to gas storage facilities, stronger consumer protections, and enhanced regulatory surveillance (European Parliament, 2016a: 4).

In this time, under the coverage of “Energy Security Strategy”, a stress test is conducted on the respective countries with regard to the short-term measures related to the energy supply. For instance the stress test has been conducted on 38 countries, including EU member states, in relation with the energy security. The important impacts that may arise if the natural gas import from the Russia to Ukraine route is interrupted for between one month and six months are outlined through the scenario of the test. It is seen that mostly the Eastern Europe and Energy Community states would be affected from such an interruption. Considering the results of such a stress test scenario, EC (2014) required the Energy Community states to make energy security readiness plan as to be ready for the consequences of the aforementioned scenario. The plans have been updated in 2015 and stressed out the necessity for frequent endurance checks to be performed by the countries against energy supply interruptions (European Commission, 2014b: 1-2).

Under this context; the research of new energy sources, to develop new related technologies, improve the domestic sources and advance the infrastructure for new supply sources are seen to be factors that may secure and diversify the energy market of EU. For instance, EC has prepared the "Natural Gas Supply Security" arrangement (European Commission, 2017a) to secure the supply of the natural gas. More notions have been put on “Formation of Southern Natural Gas Corridor” (TAP, 2018) LNG Storage means and the establishment of new terminals in Central and Eastern Europe countries in line with the new strategies aiming the secured supply of energy.

The audit/management of these works has been assigned to EC in line with the intergovernmental agreements signed. The Commission has been commissioned to develop the dialogue among the member countries by means of observing the supply security criteria. This mission assigned to the EC is particularly important for the establishment of natural gas transparency.

EC, on the other hand, has developed mechanisms required for the establishment of an internal market. For instance, EC is now responsible for establishing the continuing electric market dialogue also for the supply security and related reconstruction of the market etc (European Commission, 2017b: 16-30).

EC has moved the European energy arrangements in a reform process whereas accelerated the integration of the European energy system and accordingly built up the Agency for the Cooperation of Energy Regulators (ACER, 2018) in 2014-2016 period. With the organization of the said agency, the frame of the energy regulations has been more clear and definite. The regulations have authorized the EC to build up an internal energy market and pointed out the same as powered for over-borders actions. European Commission, in February 2016, presented the sustainable energy security package (European Commission, Towards Energy Union: The Commission Presents Sustainable Energy Security Package, 2015: 1-2). This package consists of two legislative proposals include security of gas supply and intergovernmental agreements and two communication include liquefied natural gas and gas storage strategy (European Parliament, 2016b: 1-4) ; heating and cooling strategy (European Parliament, 2016c: 1-6).

Energy supply security like a number of policy areas demands huge budget. There are many programs related to energy, energy efficiency, etc. Existing many different budgetary headings, to decompose energy security budget is difficult. But, concerning energy supply security has many facilities and programmes. For instance, within European Energy Programme for Recovery provided almost 4 billion Euro for key EU energy projects running 2009-2019 (European Commission, 2015). bu cümleyi anlayamadım. This financial source includes a financial envelope of €5.4 billion for energy-related projects (European Parliament, 2015: 1-7).

European Fund for Strategic Investment (EFSI) which is pooling EU contributions to specific projects with European Investment Bank (EIB) funding, with a view to attracting public and private investments worth at least EUR 315 billion is outside the EU budget. Also, European Development Fund, which is outside the EU budget, includes a budgetary heading on energy, which is one of the key objectives of EU development aid.

The actions realized under the coverage of Energy Union prove a wide-scale revision of the European energy system. As a result of these actions/regulations, the sanction power of EC has increased and a joint legal infrastructure has been prepared among the member states with regard to the energy costs and energy issues. The next chapter will describe regional cooperations about regional energy supply security.

**5. Regional Cooperation for Energy Supply Security**

The energy policy of EU, in general, consists of maintaining the energy security, increase its role in the formation of international energy law and deepening the relations with several energy source regions (Belyi, 2007: 201-208). To build up the cooperation with the energy source countries and regions is important by means of a sustainable energy supply.

Accordingly, the partnership continuing with Russia has been more significant especially after the crises experienced in Eastern Europe (Gumpel, 2003: 140-145). The sustainable energy supply from European point of view corresponds to the Russian targets of attracting the investments and technology into homeland; whereas, such mutual motives form the basis of the energy partnership between two parties. For instance, in 2006, energy saving cooperation dialogue and the dialogue for European investment areas and expansion of joint-interest topics are realized under the approach of mutual dependency. The respective reforms are targeted and the cooperation between the private companies and public enterprises of both sides have shown efforts to develop the required cooperation acts in line with the Kyoto and WTO rules.

These relations has advanced with regard to electric and nuclear power as well as to natural gas. Following the membership of the Eastern Europe countries in EU, the Russian originated companies have started to sell electricity to Europe. However, the concerns of Europe with regard to the nuclear safety and environmental protection from time to time negatively affect the bilateral relations. With regard to the oil (petroleum), the EU-Russian relations are in a different position. Since the issue of oil is lesser politic and controversial, the bilateral relations are in a better level. EU demands to privatize the petroleum market of Russia i.e. the liberalization of Russian oil monopolies for an even wider cooperation. Indeed, Russia does not hold a liberal market structure with fair competition mechanisms with regard to the petroleum/oil market.

Another regional cooperation built up by EU with regard to the energy relations is the formation of energy community aimed to be formed together with the South Eastern European Countries under the approach of Energy Community. The countries party of this treaty aimed to establish a unified electric and natural gas market (Kirstyn, 2008: 125-130). The Eastern Europe countries have signed this treaty hoping to be members of EU and accordingly accepted the compulsory respective EU legislations. The treaty targeted the free circulation of natural gas in the aforementioned region in line with the principles of free circulation.

Another regional cooperation with regard to the energy has been realized with the Mediterranean zone. The agreement with the countries of Mediterranean zone has been in a form of partnership whereas targeted to establish the free trade in the region. The economic objective of this relation is the transfer of the natural gas. Accordingly, the projects MEDGAZ (MEDGAZ, 2018) and GALSI (GALSI, 2018) are developed and the technical assistance for laying a natural gas pipeline in order of between Spain-Algeria and Italy–Algeria has been provided.

Another series of relations developed by EU with regard to the energy is the connections improved with the countries in Caspian region. This region is deemed as an alternative by EU for diversification of the energy sources however has a contradictive nature since it is under hegemony of Russia and accordingly a political cooperation would be unsuccessful. Despite such a contradiction, three important projects exists with regard to the Caspian countries. The first project is Interstate Oil and Gas Transport to Europe-INOGATE signed in 2001 which aims the realization of energy infrastructure investments. The second project is Baku-Tbilisi-Ceyhan (BTC) pipeline project started again in 2001 which aims to transfer the Azerbaijan and Kazakh oil to EU. Finally, in 2007, Shah Deniz Natural Gas pipeline has aimed to provide a natural gas supply security in EU zone (Belyi, 2007: 210-218).

When we examine the relations with the Persian Gulf, the past Iran-Iraq war, which was not approved by Germany and France however supported by England and Spain, clearly shows that the EU member states may protect their different national interests in this region. The effectiveness of EU in Persian Gulf is relatively low due to the USA existence. The relation of USA with the Gulf countries with regard to the energy is in a form of strategic alliance. Moreover, the approach of EU towards the Gulf zone, as differing from the approach of USA, carries importance by means of energy sources. A treaty of free trade concept signed by EU with Gulf Cooperation Council in 1989 may be examined to understand the mutual relations.

EU has realized several cooperation sessions aiming to reach a sustainable energy supply. All the sessions, although a political decision has been obtained, have generated technical recommendations under volunteering approach and discussed the structuring of energy market, energy supply security and free circulation etc. topics. Moreover, in 2007, a new energy policy has been designed for EU with the third Energy Liberalization Package (Dutton, 2015: 9-12). Accordingly, the EC has presented the energy market draft however Germany and France have protested the same to hold their competitive advantages in the segment despite the supporting acts of England, Holland and Denmark. The real problem has been understood as the insufficient attempts for the privatization of the public enterprises (Torriti, 2008: 3-7). Despite all the attempts and several regulations, EU does not have a joint energy policy. The power is held by the natural energy supervisory organs and accordingly the recommended solutions are not strong enough. Thus, the EC proposed obligation of compliance for the public enterprises and organizations, and the respective penalty mechanisms for the breaches, in the aforementioned third package. Besides, the establishment of a joint European Agency has been also proposed. Non-existence of a joint EU energy policy affects the work for securing supply of energy in a negative manner.

**6. Conclusion**

Since the impact of the EU towards the global energy demand is quite low, it may not maintain the security of energy supply on its own. The energy supply security is related to the domestic and foreign competition; thus, the sensible attitudes of the consumers, spreading privatizations, competition rules applicable for the external (foreign) energy markets and a joint understanding and approach by all the EU member states when acting in foreign markets are required to maintain the energy supply security.

EU should diversify the supply sources and concentrate on renewable energy sources. Moreover, by means of the consumers, the support and awareness about the energy saving carries importance. The consumers should also demand development of advanced technologies for energy. The sustainability of the energy supply, energy plants and safety of the employees in such plants are other dimensions of the energy supply security topic. In general, EU needs a strong external energy policy to overcome it’s such weaknesses. Accordingly, EC may act as the framework institution for respective improvements, works and attempts such as legitimization of a joint energy policy, establishment of experienced and informed managements, continuous accountability and defense, joint activities of member states, joint crisis management and other supra-national solution works etc.

The EC then should enact new and obligatory legislations to bind the member states with regard to the cross-border energy trade; and increase the share of the renewable energy sources in general energy production, and particularly in electricity market, as to generate a wider energy market.

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