

Extract from:
Sami Andoura,
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INTRODUCTION

WHAT SHOULD BE INCLUDED IN THE EUROPEAN ENERGY SOLIDARITY CLAUSE?

Notre Europe – Jacques Delors Institute is leading an in-depth study of the future of Europe and European energy policy based on a proposal made by Jacques Delors for a "European Energy Community", in which solidarity plays a key role and may later be one of the key drivers for the development of an EU-wide energy policy. On par with competition, which stimulates, and cooperation, which strengthens, the uniting force of solidarity will be a major component of a European Energy Community. What is a federation of nation states if it is not a place of solidarity?

Legal and political innovation in energy solidarity in Europe

Solidarity has been a fundamental principle at the heart of Europe's construction from the beginning, and is reflected in numerous common European policies, including energy. However despite many concrete examples of EU achievements over time – the common market, the free movement of people, economic and monetary union, and common policies on agriculture, economic, social and territorial cohesion and climate change – solidarity is not necessarily prevalent in every realm of EU influence. The economic and financial crisis, with which the EU has been confronted for several years, serves as a reminder.

In the same period, fighting climate change is one of the areas that has justified and illustrates the implementation of enhanced solidarity. It is under solidarity that the fight against climate change is based on mutual commitments for the completion of a common goal, but at the same time on a fair burden sharing between nations. This is especially true within the EU, where the regulatory system put in place to fight against climate change directly reflects the level of development and specific difficulties in this area for each member state.

The solidarity principle acquired new legal and political importance in the domain of energy. Legally speaking, the principle is now enshrined in Article 194 of the Treaty of Lisbon, which states that *“Union policy on energy shall aim to achieve its four major objectives in a spirit of solidarity between member states”*.

Similarly, while the treaty did not provide a clear definition of solidarity, the effectiveness and political importance of the principle has been proven several times over, by Russian gas suppliers and transit countries such as Ukraine in 2006, for example. Year after year, Europeans face the risk of new crises and supply shortages of both electricity and gas. Each episode tests not only existing solidarity mechanisms within the EU but the strength of the system as a whole, inciting the Union and member states to adopt effective measures to prevent and manage interruptions in supply.

This lack of a clear definition has not prevented the EU from securing tangible and pragmatic progress on the issue of energy solidarity by launching a series of common initiatives in several areas: internal security of supply, the gradual integration of national energy networks, and supply diversification.

An upsurge of the primacy of national energy independence and unilateralism

The primacy of national energy independence, and even a certain degree of protectionism and unilateralism, has recently appeared in the sphere of energy. It is a general trend across Europe, as countries engage in sometimes incompatible national energy transition processes to develop renewable energy using existing systems, or develop electricity and gas transportation infrastructure and networks which carry supplies across borders.

National concerns also take centre stage in efforts to create an internal gas and electricity market, the finalisation of which has stalled. Increasingly, security of supply, particularly in the realm of electricity and the development of capacity mechanisms, is seen as a strictly national issue, which could undermine the internal market as a whole.

A battle is being waged by the Union's 28 member states for access to energy resources outside EU borders, sometimes at the expense of cooperation and

at the risk of confrontation where the development of new gas corridors is concerned.

In post-Fukushima Europe, strategic decisions regarding certain aspects of national energy policy – the choice of energy mix, for example – are being made on a unilateral basis without consulting neighbouring countries whose energy networks and policies will be unavoidably affected and destabilised by these decisions.

In light of recent developments, it is not clear how far the European Union and its member states are actually ready to move forward together in a qualitative leap past the notion of national energy independence and truly embrace their *de facto* interdependence. The capital importance of the task makes a common approach based on interdependence and solidarity all the more necessary.

Differences in national positions within the EU

Other political and social factors have stymied a truly shared and common European approach to the multifaceted issue of energy solidarity. Foremost are differences across the community of nations that is Europe: since 2004 in particular, a tendency has developed whereby each country establishes its own definition of what solidarity in Europe should and should not be. Often, differences in culture, history and energy policy among Europe's member states, where geopolitical, technical, industrial and technological conditions also differ, still lead to conflicting outlooks and expectations from governments and citizens.

Despite these evident differences, energy solidarity remains an important issue in the region. Indeed, exploring the meaning of this key principle is more important than ever. There is room for progress in the many areas mentioned above, including those where significant problems remain, to ensure that full force is given to energy policy governance – and energy solidarity – in Europe.

Energy solidarity in review

There are limits to what can be accomplished in the current framework and in a political and economic climate that is difficult to say the least. The following

Study provides a realistic assessment of what the solidarity clause really means for European energy policy and suggests ambitious and forward-looking ways in which Europeans can enhance their capacity to work together on this sensitive issue by further pooling their strengths and weaknesses.

The Study begins by looking at the issue of solidarity in Europe from a historical perspective. It then provides a fresh take on the solidarity clause in the Treaty of Lisbon and analyses its implementation within the existing framework (*Part 1*). Following this is a review of some key areas of action and a description of the various mechanisms by which solidarity is integrated into the new European energy policy and enhanced. The Study also suggests ways in which energy solidarity could be further developed within the European Union.

The bulk of the Study covers five major topics: solidarity in times of crisis and internal security of supply in the EU (*Part 2*); solidarity with non-EU countries in terms of energy diversification and partnerships (*Part 3*); solidarity in the optimisation of energy resources within the EU (*Part 4*); financial solidarity and investment in projects of European interest (*Part 5*); and, lastly, solidarity to ensure energy access for all and the fight against energy poverty (*Part 6*).