

Introduction to EU Energy Law

Intensive Erasmus+ Course
University of Lisbon

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Course summary:

This “Introduction to EU Energy Law” aims at giving you knowledge and understanding of the regulation of the production, distribution and marketing of energy in Europe. Few things are more necessary and yet complex as energy and its regulation. This is a topic of constant political, legal, technological and economic discussion. Countries around the world face complex decisions between securing accessible, affordable and reliable energy with the need to prevent climate change and protect the environment. Energy is in transformation and these changes are happening now.

The energy transformation is also taking over the legal world. Energy is more and more a central area of regulation. The European Union has large ambitions connected to energy and climate change and law is the vehicle to achieve it. We see this in the many regulatory instruments that are being incorporated into EU law and then transposed to the national systems. Two clear, recent and absolutely relevant examples are the Clean Energy Package of 2018-2019 and the Green Deal of the Commission.

Energy is changing and its regulation too. Now it is the time to learn about these changes and explore the possibilities for your future career in this fascinating, challenging, and fun field.

Course focus:

This course will focus on analyzing the most important developments in EU energy law following the very recent Clean Energy Package instruments and the European Green Deal. In our classes we will study the most relevant legal instruments developed by the EU legal systems and how they contribute to an effective, secure, sufficient and well-functioning energy market in line also with the need for sustainability.

During our lectures we will discuss the main legal principles, systems and instruments used to govern energy production, transportation and consumption. The class will explore these concepts from a market-oriented perspective so that we understand how energy is organized through the whole value chain and how it also interacts with your own needs as an energy user.

We will focus on the understanding of European energy (electricity) markets, the regulation of renewable sources and the rights and obligations of energy consumers. We will discuss EU law instead of national laws because they set the foundation and general framework for each of the EU member states. Further, some of them are directly applicable without the need for national transposition.

Some of the instruments which we will study are:

- [The recast Renewable Energy Directive \(EU\) 2018/2001](#)
- [Regulation establishing a European Union Agency for the Cooperation of Energy Regulators \(EU\) 2019/942](#)
- [Regulation on the internal market for electricity \(EU\) 2019/943](#)
- [Directive on common rules for the internal market for electricity \(EU\) 2019/944](#)
- [Internal gas Directive 2019/692](#)

Course lectures:

- Lecture 1: Introduction to energy law. Energy trilemma. Sovereignty over Energy resources. General EU energy law framework. Article 194 TFEU and competences. The EU energy regulator – the case of ACER.
- Lecture 2: Generation of energy: Energy market liberalization. Licensing systems, typical requirements. Public service obligations. Wholesale energy markets: power purchasing agreements, day-ahead and intraday markets. National regulatory authorities.
- Lecture 3: Transport systems for energy. Roles of network operators: TSOs and DSOs. Pipelines, grids, cross-border transmission. Third-party access and unbundling rules.
- Lecture 4: Electricity Retailing markets. Consumer rights and obligations. Energy poverty rules. Renewable energy rules and the European Green deal, pt. 1.
- Lecture 5: Renewable energy rules and the European Green deal, pt. 2. EU Energy Regulation & Competition and State aid Law.

Recommended readings:

- Kim Talus, Introduction to EU Energy Law (Oxford University Press 2016)
- Catherine Redgwell, International regulation of Energy activities, in M Roggenkamp, C Redgwell, A Rønne, and I del Guayo (Ed.), Energy Law in Europe; National and International Regulation, Third Edition 2016, Chapter 2.
- Hans Vedder, Anita Rønne, Martha Roggenkamp, and Ingio del Guayo, EU Energy Law, in M Roggenkamp, C Redgewell, A Rønne, and I del Guayo (Ed.), Energy Law in Europe; National and International Regulation, Third Edition 2016, Chapter 4
- Herrera Anchustegui I, 'Transmission Networks in Electricity Competition: Third-Party Access and Unbundling – a Transatlantic Perspective' in Ruiz Peris JI and Cerdá Martínez-Pujalte CM (eds), Competencia en mercados con recursos esenciales compartidos: telecomunicaciones y energía (Aranzadi 2019). Available at SSRN: <https://ssrn.com/abstract=3159458>
- [EU Commission: Clean Energy Package](#)
- Herrera Anchustegui, Ignacio and Formosa, Andreas, Regulation of Electricity Markets in Europe in Light of the Clean Energy Package: Prosumers and Demand Response (September 5, 2019). Available at SSRN: <https://ssrn.com/abstract=3448434>
- Herrera Anchustegui, Ignacio and Bergqvist, Christian, The Role of State Aid Law in Energy (September 1, 2019). Handbook of Energy Law, Soliman Hunter, T, Herrera Anchustegui, I, Crossley, P, Álvarez, G (eds), Routledge, 2019 - Forthcoming. Available at SSRN: <https://ssrn.com/abstract=3446687>
- Bergqvist, Christian and Herrera Anchustegui, Ignacio, Uses and Abuses of EU Competition Law in Energy (January 28, 2019). Available at SSRN: <https://ssrn.com/abstract=3324189>