

# Introduction to EU Energy Law

Intensive Erasmus+ Course  
University of Lisbon

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## Course summary:

Introduction to EU Energy Law aims at giving you, the student, knowledge and understanding of the regulation of the production, distribution and marketing of energy in Europe. Energy law is at the very centre of climate and environmental law and the question of sustainable development. The World is facing a great challenge in producing enough energy in a manner that does not lead to global warming and climate change. Energy is essential for all aspects of life in a modern society and the need for energy is growing. Energy production from fossil sources (like coal, oil and gas) is also one of the main drivers of climate change, and great efforts are made to bring about a shift from energy production based on fossil fuels to renewable energy sources, in order to stop or at least limit climate change.

And for European lawyers energy is also at the core of our study and with reason. More and more Energy Law becomes EU Law and more and more EU Law deals with energy. With the Lisbon Treaty, shared competences in energy are added to the Union through Article 194 TFEU but energy and EU law have a long story. Indeed, the European Coal and Steel Community a predecessor of the EU can be traced to the 1950s and EU energy regulation has been enacted in several packages – with the Clean Energy Package of 2018-2019 being the last example.

## 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 such a perspective, the course will reflect on how EU legal regulation can contribute to an effective and sufficient energy production and marketing within sustainable limits. Also, during our lectures, we will discuss the main legal principles, systems and instruments used to influence energy production and consumption. Lastly, the rules we will study in the classes will also be applicable and have an impact on the way energy is regulated in your home country, making the lectures very relevant.

The course will cover governance and regulation of production and distribution of electricity and gas, as well as specific rules for renewable energy (like hydro, wind, solar, thermal and other forms of energy). It will cover also all the different energy market chains: generation, transport and retail. To do this, the course will focus on the study and analysis of the following European instruments:

- [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. EU-law framework. Article 194 TFEU and competences. General EU energy framework overview – what is covered and what not. 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: 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>