Veronika LEHOTAY*
Road to the European Energy Union: energy, energy policy, energy law in the European Union**

Abstract

Energy law is gaining ground both at member state and community levels and is becoming a major area of law. The study presents the energy sector regulation of the European Union. For this, it is important to clarify what is meant by energy, energetics, energy policy and energy law. Another important question is where energy law is placed in the legal system. The journey to stabilizing a single European energy union has been long and has still not ended. The study deals with the steps of this process, its main results and the presentation of legislations in this area.

Keywords: European Union, energy, energy law, Energy Union

According to Maroš Šefčovič, Vice-President for the Energy Union, European unity is best reflected in the Energy Union.: "The Energy Union is Europe at its best: tackling together the big energy security and energy transition we can't solve within national borders. From the daunting challenge of the energy transition we made an economic opportunity for all Europeans. To do this, we had to truly transform our energy and climate policies: not just tweaks at the margins but systemic change. No Member State could have delivered on its own. Our report shows how all the Energy Union measures combine to make our policy fit for the future. Today, our framework redirects investments into future oriented technologies and solutions. We have also kick-started measures for industry such as battery manufacturing in Europe, while making sure we're not leaving any European behind in the transition. It is now for each Member State to follow suit and rapidly integrate national measures on energy, climate, mobility and all other related areas, so Europe leads the way towards climate neutrality by mid-century."[1] Owing to the European Energy Union, by 2019, Europe has become a leader in the fight against climate change also at a global level. However, alongside the positive points, the European Union's energy policy is also the subject of much criticism. According to the critics, the Energy Union does not exist because the EU rules do not guarantee the security of supply, which still today falls within the

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competence of Member States. The purpose of this study is to present the European Union regulation of the energy sector. What steps have led from the EURATOM Treaty to the development of the Energy Union? What legislation has been made in this area in the European Union? What are the challenges that the Union and the Member States will have to face? It is also important to clarify the meaning of energy, energy engineering, energy policy and energy law. How are these concepts related to each other? How are these concepts evolving in the European Union? In this study, I seek answers to the above questions.

1. Energy, energy engineering, energy policy, energy law

In the broadest sense of the term, "energy" means the ability to change. Energy is an essential element of today's society, since energy from supply networks (such as electricity, gas, district heating) has become a basic condition of life.[2] The expansion of services also brings about problems such as security of supply and ensuring reserves for electricity,[3] and a natural monopoly is created. There is no substitute for energy; it cannot be provided in any other ways, thereby consumers and service providers have conflicting interests. A new type of community emerges. What all members of this community have in common is that they need electricity, district heating, water and gas. It is therefore the responsibility of this community to ensure the continuous supply of energy, which requires safety, operational and other rules. These rules are determined by the local government or the state. To be engaged in policy means to deal with the issues of the polis, i.e. of the city-state. [4] To be engaged in energy policy means to deal with the energy supply of the community.[5] Energy policy means the state's (or local government's), which acts on behalf of the community, energy supply related activities arising from the comprehensive consumer protection obligations of the state (or local government).[6] Energy engineering is a field of engineering dealing with the extraction, exploitation, transport, transformation and use of energetic materials and energy sources.[7] Its three fundamental issues are safety, economy and environmental protection. Energy engineering related regulations date back to the 19th century. At the beginning of the 20th century, mainly coal and oil extraction and use were regulated. After World War II, the scope of energy engineering was expanded; regulators had to deal with the regulation of nuclear power, water or wind energy.[8] The concept of energy law is more difficult to define and represents a novel and relatively young field of law.[9] In the broadest sense of the term, energy law means the legislation on natural resources.[10] As early as in 1971, Ernő Tárkány-Szűcs published an article in the journal Ipari Energiagazdálkodás (Industrial Energy Management) under the title

[2] Járosi 2008, 1.
[3] Ibid.
[4] Ibid.
[5] Ibid.
[6] Ibid.
[7] Hagymássy 2013, 3.
[8] Szuchy 2017, 17.
[9] Heffron 2015, 132.
[10] Szuchy 2017, 17.

'Az energiajog kialakulása és főbb problémái' (Development of Energy Law and its Key Issues).[11] The question arises as to whether energy law can be regarded as an independent field of law. Tamás Sárközy's theory of legal structure and Eörsi's idea help define the concept and its place in the legal system. According to Sárközy's theory, besides the basic branches of law (which are either public or private), there are so-called cross-cutting, secondary 'cross-cutting' branches of law, practical disciplines which include one or more fundamental branches of private law and, similarly, one or more fundamental branches of public law.[12] According to Eörsi, the divisions between the branches of law are often blurred, and because of the complex legal relationships, the legislation covering different branches of law work together to achieve unified economic and other goals. Thus, the division of the law 'loses much of its prestige.'[13] Tamás Prugberger interprets the law of natural resources as a right of protection and use of natural resources, which he defines as a cross-cutting, specialized law. Tamás Prugberger places energy law within this area or at least links it to this area.[14] The position of János Ede Szilágyi is that there are significant differences between the different areas of natural resources law (including energy law), which makes an unified or more unified regulation difficult.[15] Orsolya Bányai defined energy law as a set of legal requirements at national, European and international levels which applies to the whole or a section of the energy cycle. The term energy cycle is defined in Article 19 of the Energy Charter Treaty: it covers all activities that relate to the entire energy chain, including research, exploration, extraction, transformation, distribution and consumption of energy, as well as the processing and disposal of waste. Orsolya Bányai interprets energy law and energy regulation as synonyms.[16] At the same time, Szilágyi points out that the boundaries of energy law cannot be clearly defined at national, European or international level.[17] According to István Olajos, one of the most important issues when reviewing the regulation of energy law is defining the place of energy law in the legal system.[18] There is a view (István Turkovics) that, while there is a specific and extensive body of legislation on energy, it falls within the scope of administrative and civil law.[19] According to its definition, energy law is a body of legislation covering the field of civil law, in particular contract law and administrative law, and thus it does not constitute an independent field of law. Róbert Szuchy takes a different view, defining the areas that fall within the scope of energy law: rules concerning petroleum, natural gas and coal; rules concerning the production of electricity; rules governing the transport and distribution of energy sources; the area of consumer protection; as well as rules governing the energy consumption of products, in particular environmental rules.[20] Based on the foregoing, it can be stated that energy

[11] Tárkány-Szűcs 1971, 289–294.
[12] Sárközy 1981, 2–10.
[13] Eörsi 1977, 74.
[14] Prugberger 2004, 201–221.
[15] Szilágyi 2018, 293.
[16] Bányai 2014, 59.
[17] Kocsis & Szilágyi 2017, 312.
[18] Olajos & Szilágyi 2013, 442. See more: Olajos 2010, 203–221.
[19] Turkovics 2013, 4.
[20] Szuchy 2017, 19–21.

law is a special field of regulation that, also in my opinion, can be regarded as an independent field of law. In this approach, energy law can therefore be regarded as a complex field (perhaps branch?) of law, covering several economic, environmental, energy policy and technical matters.[21] In connection with the definition of energy law, Fodor refers to a separate legal field in German law: the concept of environmental energy law (Umweltenergierecht).[22] Fodor also presents and discusses in detail in his monograph (published in 2014) the concept and place of 'environmental energy law' in the legal system of the European Union.[23] In the European Union, one can encounter the concept of energy in relation to policies. According to the definition, the EU aims to create a more competitive energy market (the so-called 'Energy Union') to ensure secure energy supply and affordable energy prices.[24] Related objectives are the exploitation of renewable energy sources and the efficient use of energy. The essence of energy efficiency is to use less energy for providing the same services, while energy saving means to reduce the use of a service or to stop using it completely. The question also arises whether the European Union has independent energy law? In this study, I examine the legal steps taken and the legislation enacted in the field of energy policy in the European Union. On that basis, will try to answer the question posed above, namely whether Community energy law exists as an independent field of law.

2. First steps in the European Union: the ECSC and the EURATOM

The European Union's energy policy is based on two primary sources of law: one is the treaty establishing the European Coal and Steel Community, and the other is the 1957 Treaty establishing the European Atomic Energy Community (EURATOM). In 1951, six States[25] established the first international organisation operating on a supranational basis (ECSC). Its purpose was to manage steel and coal reserves, especially during the Cold War.[26] The organisation operated until 2002 and laid the foundations for the European Economic Community and later on the European Union. The second one, the Treaty establishing the European Atomic Energy Community, was signed in 1957 by all six founding Member States of the first organisation. The EURATOM Treaty set out a research program on nuclear fission and fusion energy, which was intended both to increase nuclear safety and promote public acceptance of nuclear energy, and to develop the designs of a European experimental fusion reactor.[27] The general objective of the regulation was thus to ensure and facilitate the Member States in the establishment and growth of the European nuclear industry. EURATOM solely focused on nuclear energy and its peaceful uses.[28] However, besides these documents, Member States did not empower the Community to regulate energy policy. The main objectives of the Treaty of Rome, signed in 1957, were solidarity,

[21] Szuchy 2018, 79–87.
[22] Fodor 2014, 9–11.
[23] Ibid. 15–33.
[24] Energy Policy (2020).
[25] France, Federal Republic of Germany, Italy, Belgium, Luxembourg and Netherlands.
[26] Energy Policy 2020.
[27] Szergényi 1999, 325.
[28] Szuchy 2017, 21.

supporting the common good, and promoting the interests of the community as a whole, while respecting the autonomy of individuals. Therefore, at that time, the services of general interest were not yet subject to the rules on the free movement of goods and capital.[29] That Treaty provided for the establishment of a common market for all goods and services that are not covered by the ECSC and EURATOM Treaties. The reason for the lack of Community regulation was that, at that time, the supply of energy presented no problems for EEC countries. Energy could be obtained from sources outside Europe in sufficient quantities and at low prices.[30] The 1960s saw the beginning of a process which led to a significant shift in the use of energy. Coal consumption decreased, and in parallel, the role of petroleum increased. Member States were becoming increasingly dependent on imports in terms of energy supply.[31] In 1973, a change occurred as a result of the first oil crisis: energy prices rocketed and energy supply became uncertain.[32] The European Commission created a common energy strategy.[33] That document proposed the streamlining of energy use, the expansion of domestic energy production, the reduction of oil imports and the stabilisation of coal production.[34] It is considered to be the first document setting common energy policy objectives.[35] In 1974, as a result of international negotiations, the International Energy Agency was established and, furthermore, an agreement was reached. The essence of that agreement was the plan to create common energy reserves.[36] However, management of the crisis remained mainly within the competence of the Member States. The idea of bringing energy policy to a Community level was revived in the 1980s.

3. The first period of community energy policy (1983-1995)

The second oil crisis reconfirmed the importance of strengthening the Community's energy policy. A decision was made at the 1980 Venice Summit, which provided that energy consumption growth should not exceed 60 percent of the economic growth.[37] In 1983, the Council of Europe authorised the Community to establish a single common energy policy framework.[38] In 1985, the European Commission issued a document entitled 'White Paper on completing the internal market.' This is the period when the idea of energy market liberalisation and of a single internal energy market was first raised.[39] Until 1988, energy policy was primarily determined by directives and the Member States' compromises.[40] The next milestone

[29] Járosi 2008, 2.
[30] Csákó 2006, 10.
[31] Horváth 2002, 323.
[32] Csákó 2006, 10.
[33] Olajos & Szilágyi 2013, 443.
[34] Horváth 2002, 323.
[35] Sütő 2015, 377.
[36] Csákó 2006, 10.
[37] Horváth 2002, 324.
[38] Csákó 2006, 10.
[39] Olajos & Szilágyi 2013, 443.
[40] Sütő 2015, 378.

occurred in 1988, when the idea of creating a European energy market was first officially published in the Commission document entitled 'Internal Market in Energy.'[41] In that document, the European Commission set out three steps to liberalise the gas and electricity markets. First, it provided for the adoption and implementation of a directive regulating price transparency and the carrying of electric power. As a second step, it defined the extension of competition law to cover all areas of the energy sector and required the mandatory licensing of third party access (TPA) for large industrial consumers.[42] Finally, it defined the completion of the internal market for gas and the mandatory extension of TPA to industrial[43] consumers.[44] In terms of legislation, the result of this process was the Price Transparency Directive in 1990, which required the publication of prices for electricity and natural gas broken down by Member State.[45] Neither the Treaty of Nice[46] nor the Treaty establishing a Constitution for Europe[47] brought changes in the field of energy policy. In 1993, the Treaty of Maastricht only addressed energy policy superficially in the context of the internal market, environmental protection and taxation.[48] It reiterated the idea and importance of a single energy market but did not establish its legal framework.[49] The collapse of the Soviet Union brought new challenges and opportunities to the European Union in the field of energy policy.Complementing EU rules, the European Energy Charter, which functioned like a directive, was adopted in The Hague in 1991 with the aim to institutionalise energy relations between Western states and ex-Socialist countries, to transfer Western technology, to modernise the energy sector and to establish a legal framework for energy cooperation.[50] 51 States[51] signed this document, which has become an important factor in the Community energy policy.[52] In 1995, the signatory Member States signed a treaty setting out binding rules in the field of energy trade, competition and investment.[53] The aim of the Energy Charter Treaty was to create a legal framework that would ensure the promotion of long-term energy cooperation. In 1994, the European Council adopted the 'Green Paper on an Energy Policy for Europe.' The Commission of the European Union outlined four markedly different scenarios for energy regulation. The first was named 'Traditional Wisdom', and its point was that, in addition to economic considerations, social problems must be taken into account. The scenario named 'Battlefield' was characterised by the re-emergence of isolation and the persistence of geopolitical fragmentation.[54] The essence of the third one named 'Hypermarket' was liberalism, with governments and authorities playing a

[41] Csákó 2006, 10.
[42] Large industrial customers.
[43] Small industrial customers.
[44] Horánszky 2004, 7.
[45] Ibid.
[46] Consolidated Version of the Treaty Establishing the European Community, 11 October 1997.
[47] Treaty Establishing a Constitution for Europe, 18 July 2003.
[48] Horánszky 2004, 2.
[49] Csákó 2006, 11.
[50] European Energy Charter 2020.
[51] Csákó 2006, 10.
[52] Horváth 2002, 326.
[53] Ibid.
[54] Szergényi 1999, 325.

less important role and global economic integration becoming more important. Finally, the essence of the fourth scenario named 'Forum' was the resolution of common problems through the transformation of national and international organisations.[55] The European Energy Charter Treaty was also concluded in 1994 and already provided a legal framework for energy policy.[56] The White Paper,[57] which was adopted in 1995 based on the Green Paper,[58] formed the basis for the European Union's energy policy. This document is considered to be the first 'European-level energy policy' because it already set out specific objectives, tasks and measures. The three fundamental objectives of a common energy policy were recorded in this document, namely maintaining competitiveness, safeguarding the security of energy supply and protecting the environment. These objectives form the basis for all energy measures and legislation.[59] General economic policy objectives (market integration, deregulation, limiting state intervention to what is strictly necessary for the protection of general interests and welfare, sustainable development and consumer protection) and other energy policy objectives (security of supply, competitiveness, flexibility, environmental protection, non-discrimination, an interaction between energy engineering and the environment, the principle of transparency, and environmental protection) were formulated.[60] For natural gas and electricity, ensuring open access to the pipelines plays a crucial role, the realisation of which is facilitated by the relevant directives. Creating a secure and efficient energy supply was specified as the most important task, and the European Union works closely with the International Energy Agency in order to carry out this task and to resolve crises. Additional tasks specified by the document included integrating environmental costs related to energy use into energy prices; transparent legislation; standardisation, making the internal market transparent; and creating good cooperation between individual Member States and their neighbouring countries. At the end of 1998, the Council adopted a multi-annual framework program for action to achieve the objectives of the White Paper. The tasks to be carried out, as specified in this program, included strengthening international cooperation in the energy sector, promoting the use of renewable energy sources, facilitating efficient energy use and improving security in the use of nuclear energy.[61] In 1996, another Green Paper was issued, this time on renewable energy sources. However, achievement of the objectives set varied (and continues to vary) from one Member State to another.

4. The most important regulatory instrument: the directive

Directives constitute the main regulatory instrument. Out of the possible sources of EU law, the European Union chose directives to help regulate energy policy. Directives are secondary sources of Community law which are binding on the Member States to which they are addressed as regards the result to be achieved; however, they

[55] Szergényi 1999, 325.
[56] Csákó 2006, 11.
[57] COM (95) 682 Final; Szergényi 1999, 325.
[58] Ibid.
[59] Sütő 2015, 379.
[60] Szergényi 1999, 325.
[61] Horváth 2002, 326.

leave Member States with a certain amount of leeway as to how and with what instruments the desired result is achieved. Directives are of general application to all EU Member States, but need be transposed into national law before they are applied.[62] In 1996, Directive (EC) 96/92 concerning common rules for the internal market in electricity and in 1998, Directive (EC) 98/30 concerning common rules for the internal market in natural gas was adopted. These legislative acts formed the Union's first 'energy package.' As a result, Member States had to gradually open up their energy markets, the process of which was determined with high precision (in percentages).[63] At the beginning of the 2000s, several directives were adopted to establish a common energy policy (they are considered to constitute the second energy package).[64] Directive (EC) 2002/91 set out requirements for the energy performance of buildings, made the introduction of energy registration mandatory and provided for exploration of the applicability of renewable energy sources. Directive (EC) 2003/54 laid down common rules for the internal market in electricity and repealed Directive 96/92/EC. Directive (EC) 2003/55 laid down common rules for the internal market in natural gas and repealed the previous relevant directive. Directive (EC) 2003/30 dealt with the promotion of the use of biofuels for transport. Based on the above directives, by 1 July 2004, Member States had to ensure that all non-household customers with consumption above a specific threshold were free to choose their electricity and natural gas vendors, and after 1 July 2007 all consumers were free to choose their electricity and natural gas vendor.[65] These directives also dealt with the situation of 'vulnerable' customers. Vulnerable customer means someone who, for some reason, lives in energy poverty.[66] 'Energy poverty' means the lack of access to modern energy services. A 2002 decision of the Presidency of the European Council, which resulted in a breakthrough in the common energy policy, also helped shape the development of directives.[67]

5. New directions in the energy policy (2005-2020)

A new chapter was opened in the history of the European Union's energy policy with the publication of the second Green Paper[68] in 2005, which focused on setting energy efficiency objectives. In this document, the European Commission adopted a different approach to (Community) energy regulation. In addition to outlining the characteristics and the – already mentioned – key principles (security of supply, competitiveness, environmental protection) of the energy sector, it raised further questions.[69] Liberalisation of the natural gas and electricity sectors became one of the focal points of the period between 2000 and 2010.[70] In 2005, the EU concluded a treaty with eight South-East European states to establish the South-East Europe Energy

[62] European Union Directives 2020.
[63] Sütő 2015, 390.
[64] Ibid. 402.
[65] Ibid. 390.
[66] Ibid. 402.
[67] Csákó 2006, 12.
[68] Green Paper. On Energy Efficiency Or Doing More With Less.
[69] Horánszky 2004, 9.
[70] Horváth 2002, 325.

Community, extending the EU's energy law to the Balkans.[71] One year later, the Green Paper on an Energy Policy for Europe was published, outlining the most recent guidance in the field of Community energy policy.[72] Directive (EC) 2006/32 extended the Union's energy law to cover energy efficiency and compulsory energy services. The Treaty of Lisbon, which was signed in 2007 and entered into force in 2009, already set out energy related rules in a number of fields. Contrary to the existing treaties, it dedicated a separate title for this field within the framework of the functioning of the internal market. Article 194 of the Treaty sets out the objectives of the European Union's energy policy: to ensure the functioning of the energy market; to ensure security of energy supply in the Union; to promote energy efficiency and energy saving and the development of new and renewable forms of energy; and to promote the interconnection of energy networks. These principles were formulated by placing environmental aspects at the forefront. Without prejudice to the other provisions of the Treaty, it empowered the European Parliament and the Council to take the appropriate measures in accordance with the ordinary legislative procedure. Adoption of these measures requires consultation with the Economic and Social Committee and the Committee of the Regions. At the same time, the Treaty stipulates that EU legislation shall not affect the right of Member States to determine the conditions for exploiting energy sources, nor shall they influence the Member States' choice between energy sources and the general structure of their energy supplies. The Treaty also provides that, where energy-related measures are of a fiscal nature, after consulting the European Parliament, they shall be determined by the Council acting unanimously, in accordance with a special legislative procedure. With the entry into force of the Treaty of Lisbon, a new chapter was opened in the history of the common energy policy. From that moment on, the European Parliament and the Council had the opportunity to adopt legislative acts on energy matters that used to fall within the exclusive competence of the Member States.[73] In addition to Article 194, other parts of the Treaty deal with Community energy policy. For example, Article 122 deals with the security of supply, while Articles 170 and 172 with the energy network. In 2006/2007, new objectives were formulated in the context of energy policy, such as combating climate change, increasing energy security and enhancing competitiveness. It was determined that, by 2020, the total primary energy consumption will be reduced by 20 percent 'compared to values under the usual scenarios.'[74] At the end of 2010, the Commission issued a communication entitled 'Energy 2020 – A strategy for competitive, sustainable and secure energy.'[75] This communication defined a new energy strategy for the period until 2020. It set the objectives of creating an energy-efficient Europe, ensuring the free movement of energy, and creating a more integrated and competitive market. Since the 2000s, a significant number of documents have been issued by EU bodies on energy policy. Without aiming to be exhaustive, I mention here some of the most important legislative acts. The third energy package consists of two directives and three

[71] Sütő 2015, 381.
[72] Green Paper: An European Strategy for Sustainable, Competitive and Securer Energy.
[73] Sütő 2015, 383.
[74] Járosi 2008, 10.
[75] COM (2010) 639.

regulations.[76] Directive (EC) 2009/72 dealt with the internal market in electricity, while Directive (EC) 2009/73 with the internal market in natural gas. The Agency for the Cooperation of Energy Regulators was established by Regulation (EC) 713/2009. Regulation (EC) 714/2009 laid down the conditions for access to the network for cross-border exchanges in electricity. Finally, Regulation (EC) 715/2009 laid down the conditions for access to the natural gas transmission networks. In 2011, a Commission communication was issued setting out the Energy Roadmap 2050.[77] In that document, the Union committed itself to reducing its greenhouse gas emissions to 80-95% below 1990 levels by 2050. It provided that the Energy 2020 strategy had to be fully implemented; energy efficiency had to be treated as a priority with regard to transport, buildings, products and equipment; and there was also a need to develop a new energy infrastructure. Regulation (EU) 347/2013 was adopted in spring 2013 to ensure the functioning of the internal market in energy and the European Union's energy supply, to promote energy efficiency and energy saving, to develop new and renewable energy sources and, finally, to interconnect energy networks.[78]

5.1. 'Clean Energy for All Europeans' package (2014-2030)

As regards legislation, the 2014 European Energy Security Strategy[79] provided for a revision of the regulation on the security of gas supply. This strategy gave significant priority to the implementation of the provisions of the Energy Efficiency Directive and the Energy Performance of Buildings Directive. In 2015, the Commission communication entitled 'Launching the public consultation process on a new energy market design' called for enhanced cooperation. Also, in 2015, the Commission communication entitled 'A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy' pointed out that energy is regulated in the EU at the national level.[80] Thus, the aim of the Energy Union is to transform the EU energy system, which comprises 28 national regulatory frameworks, into a single EU-level framework. On 30 November 2016, the European Commission issued a set of regulatory proposals under the title 'Clean Energy for All Europeans.' The so-called 'Winter Package' was the most detailed regulation since the energy package adopted in 2009. This document laid down the following objectives (primarily of an economic policy nature): ensuring unrestricted access to energy for consumers; direct involvement of consumers in energy trade; price liberalisation; free choice of energy suppliers. The European Commission set three basic objectives: putting energy efficiency first; achieving global leadership in renewable energies; and providing a fair deal for consumers. On 22 May 2019, the revision of the energy policy framework named 'Clean Energy for All' was completed after the Council adopted the remaining related proposals. These were the following: the Electricity Regulation and Directive; Electricity Risk Preparedness Regulation; as well as a proposal to review the role and functioning of the Agency for the Cooperation of Energy Regulators. On 25 June 2019,

[76] Sütő 2015, 390.
[77] COM (2011) 885.
[78] Gosztonyi 2014, 37.
[79] COM (2014) 330.
[80] COM (2015) 80.

the Council of the European Union adopted conclusions on the future of energy systems with a view to ensuring energy transformation in future decision-making. In EU (mainly Commission) decision-making, in the Council's opinion, this requires that a sustainable, affordable, secure, competitive and protected energy system be in place. Regulation (EU) 2019/942 provided for the establishment of the European Agency for the Cooperation of Energy Regulators, the purposes of which is to contribute to the consistent, efficient and effective application of EU law in the field of energy policy. Regulation (EU) 2019/941 of the European Parliament and of the Council regulated risk-preparedness in the electricity sector and repealed Directive (EC) 2005/89. Regulation (EU) 2019/943 contained provisions concerning the internal market for electricity, while Regulation (EU) 2019/944 laid down common rules for the internal market for electricity. The energy files closed by the Council in December 2019 set the following objectives. 32% of the energy used in the European Union must come from renewable sources by 2030. Furthermore, the Union must also meet the 32.5% energy efficiency target set in the revised Energy Efficiency Directive and the revised Renewable Energy Directive. The essence of the Energy Union Governance Regulation is to ensure the achievement of the EU energy and climate policy objectives set for the period until 2030. The European Union also foresees the modernisation of public transport; in particular, efforts need to be stepped up to develop "tomorrow's car, the railways of the future, aviation and navigation."[81] The share of renewable energy is planned to reach up to 50% by 2030.

6. Conclusions

Right from the beginning, the objectives of the European Union included the need for a uniform regulation of energy policy, but the road to the creation of a single European Energy Union is long and bumpy and has not yet come to an end. Energetic materials include, but are not limited to, natural gas, coal, crude oil and electricity in the European Union (too), but renewable energy sources, e.g. hydro and solar energy, biomass, geothermal or wind energy are increasingly gaining ground. Nevertheless, Márton Járosi pointed out that, due to the different energy structures and circumstances of the Member States, there was no real energy policy in the European Union, and it was very difficult to define common principles in this area.[82] In 2006, Beáta Csákó put forward a similar view, claiming that there was no common energy policy at the EU level and that not every country had a concept at the Member State level. Member States address energy-related issues to varying degrees, and still today treat this as an essential feature of their sovereignty.[83] The need to comply with conflicting principles in this area also makes the establishment of a uniform energy policy more difficult.[84] For example, energy supplies must be ensured, but environmental considerations must also be taken increasingly into account. Because energy policy is a constantly changing area of the European Union, Member States, including Hungary since May 2004,

[81] Szergényi 1999, 325.
[82] Járosi 2008, 10.
[83] Csákó 2006, 11.
[84] Ibid.

have to adapt to the ever-changing rules.[85] In a changing world, energy policy needs to be constantly reviewed. When drafting the directives concerning the electricity and natural gas markets and more than 200 pieces of legislation on energy, environmental considerations also had (have) to be taken into account.[86] The primary sources of law, such as the EURATOM and the ECSC Treaties, laid the foundations for the regulation of energy policy. Subsequently, the Treaty of Lisbon brought about a significant change. The White and Green Papers were the result of a collective reflection on the European Union's energy policy, and also had a significant impact on legislation. These documents set out the key objectives, strategies, tasks and principles of the common energy policy.[87] In addition, the development of an energy union and the creation of a single energy market are assisted by secondary sources of law, such as directives and regulations. Current issues in the European Union's energy policy include the potential uses of renewable raw materials, the security of supply and environmental concerns.[88] The European Union's energy policy has also been the subject of much criticism. One of the criticisms is that the Energy Union does not exist because the EU rules do not guarantee the security of supply as these falls within the competence of Member States. Other criticisms are that the EU legislation only focuses on the trade of the energy produced and that the EU legal instruments do not provide proper and sufficient protection for smaller Member States, which often makes it difficult for them to assert their interests against larger Member States.[89] Concerning the concepts outlined at the beginning of the study, it can be stated that these are still not accurate definitions. The EU legislation also contains definitions for energy regulation, energy policy, energy engineering and energy. Nevertheless, there is no consensus on the concept of energy law and its place in the legal system. It is evident though that energy law is increasingly gaining ground at both national and Community level and is becoming a major area of law (and not only). Commissioner for Climate Action and Energy Miguel Arias Cañete said: "Europe has now in place the world's most ambitious and advanced climate and energy framework. We agreed all the legislation to meet our 2030 targets, with higher targets for renewables and energy efficiency. But the Energy Union is more than rules and policies: we mobilised record levels of clean energy investments in Europe, we brokered the Paris Agreement and triggered its quick entry into force, we further integrated the European energy market, and we set a long-term vision for climate neutral Europe by 2050. But we still have a long way to go."[90] In my opinion, besides social and economic transformation, transparent legislation and the regulatory framework (will continue to) play a decisive role at both national and Union level in this process.

[85] Horánszky 2004, 1.
[86] Szergényi 1999, 325.
[87] Csákó 2006b, 13.
[88] Járosi & Kovács 2017, 92–93.
[89] Ibid. 95.
[90] Press release, 9 April 2019, Brussels.

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