

**LAW AND INTERNATIONAL LAW**

UDC 346.7

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**LEGAL FRAMEWORK FOR MAINTAINING ENERGY  
EFFICIENCY IN THE EUROPEAN UNION**

The theme of this contribution is to approximate the relevant legal instruments of the European Union in the field of energy efficiency policy in the framework of the European Economic Area. With regard to the wide range of analyzed issues, which in terms of complexity requires monographic processing, we focus our attention on selected aspects within the principles of security of supply, economic sustainability and in essence also (necessarily) environmental protection, which is certainly highly topical and discussed subject matter across the whole of political spectrum.

The European Union is facing unprecedented challenges resulting from increased dependence on energy imports and scarce energy resources, and the need to limit climate change and to overcome the economic crisis. Energy efficiency is a valuable means to address these challenges. It improves the European Union's security of supply by reducing primary energy consumption and decreasing energy imports. It helps to reduce greenhouse gas emissions in a cost-effective way and thereby to mitigate climate change. Shifting to a more energy-efficient economy should also accelerate the spread of innovative technological solutions and improve the competitiveness of industry in the European Union, boosting economic growth and creating high quality jobs in several sectors related to energy efficiency [1].

Moderation of energy demand is one of the five dimensions of the Energy Union Strategy established by the Commission communication of 25 February 2015 entitled 'A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate

Change Policy' [2]. The Energy Union strategy has five mutually-reinforcing and closely interrelated dimensions designed to bring greater energy security, sustainability and competitiveness: Energy security, solidarity and trust; A fully integrated European energy market; Energy efficiency contributing to moderation of demand; Decarbonising the economy, and Research, Innovation and Competitiveness [3].

If we want to talk at all about supranational legal regulation, it is necessary to focus attention on the essential legal documents, on which the European Union is founded. They legitimize the scope and manner of carrying out its powers in the framework of implementation of its individual policies.

In essence, it is the Treaty on the Functioning of the European Union [4]. The legal framework is in particular its Article 194. In it is contained that in the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, European Union policy on energy shall aim, in a spirit of solidarity between Member States, to: ensure the functioning of the energy market; ensure security of energy supply in the European Union; promote energy efficiency and energy saving and the development of new and renewable forms of energy; and promote the interconnection of energy networks.

Without prejudice to the application of other provisions of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures necessary to achieve the above mentioned objectives. Such measures shall be adopted after consultation of the Economic and Social Committee and the Committee of the Regions [5].

At the same, it is stipulated that such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, without prejudice to Article 192 (2) (c) of the Treaty on the Functioning of the European Union.

One of the key progressive activities at the institutional level of the European Union is the proclaimed strategy, in the context of this article, aimed, inter alia, at a secure supplying of clean and affordable energy, building and renovating in an energy



and resource efficient way, and so on, titled the European Green Deal [6]. This document of a supranational nature is also significant in that it is practically part of the political guidelines, specifically the six main ambitions for Europe [7], which are to serve the European Commission's achievement of objectives over the next five years and as proclaimed, as well as much further.

Legislation such as a secondary law of the European Union deserves special attention in the framework of the relevant normative material, aimed at achieving the objectives of the European Union's policies to strengthen the maintenance of energy efficiency, and in this context it must be said that also the sustainability of enterprises, with a special emphasis on supporting the growth of small and medium-sized enterprises [8]. Principally, they are regulations and directives, equally they can also be legislative proposals (revisions) of these fundamental legal norms in the legislative environment of the European Union.

Within the sphere aimed at ensuring the sustainability of the European Union's economy in the context of the European Green Deal [9, p. 4], it is mainly a matter of carrying out a revision of law-making, such as: directive on the promotion of the use of energy from renewable sources [10], directive on energy efficiency [11], directive on the energy performance of buildings [12], directive restructuring the Community framework for the taxation of energy products and electricity [13].

Ensuring the strengthening of maintaining energy efficiency in the framework of the European Economic Area means actively and coordinated implementation in practice the (required) solutions. The European Union contributes to the achievement of these specific objectives through its institutional basis. Its central aim is to enforce its own strategies and action plans in the framework of permanently sustainable economic growth. Some suggestions presented in this article are to be understood only in terms of academic opinions and *de lege ferenda* proposals.

#### References:

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2. Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency (Text with EEA relevance.). Done at Strasbourg, 11 December 2018.
3. Energy Union Package. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank. A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy. COM/2015/080 final. European Commission. Done at Brussels, 25 February 2015.
4. Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union. Volume 55. Publications Office of the European Union. Luxembourg. 26 October 2012. Hereinafter in text referred to as “Treaty on the Functioning of the European Union”.
5. At this place it must be said that by way of derogation from Article 194 (2) of the Treaty on the Functioning of the European Union, the Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament, establish the measures referred to therein when they are primarily of a fiscal nature. In broader contexts, see in particular: LIŠKA, P. – ELEK, Š. – MAREK, K.: Bankovní obchody. Wolters Kluwer, 216 s., 2014, ISBN 978-80-7478-511-5.
6. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. The European Green Deal. COM/2019/640 final. European Commission. Done at Brussels, 11 December 2019.
7. A Union that strives for more. My agenda for Europe. By President of the European Commission: Ursula von der Leyen. Political Guidelines for the Next European Commission 2019-2024.
8. Their definition is based on the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422). Text with EEA relevance. 2003/361/EC. Official Journal L 124, 20/05/2003, str. 36 – 41. Done at Brussels, 6 May 2003. In this context see: KUBÍČEK, P.: Pojem podnik z aspektu práva. In: Obchodné spoločnosti – aktuálne otázky a problémy. Plzeň: Aleš Čeněk, 2008, str. 103 a nasl.
9. To this see: Key new initiatives for 2021. In: Ursula von der Leyen et Maroš Šefčovič. State of the Union 2020. Letter of Intent to President David Maria Sassoli and to Chancellor Angela Merkel. European Commission. In Brussels, 16 September 2020.

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11. Consolidated text: Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (Text with EEA relevance) Text with EEA relevance. Done at Strasbourg, 25 October. 2012.
12. Consolidated text: Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast). Done at Strasbourg, 19 May 2010.
13. Consolidated text: Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (Text with EEA relevance). Done at Luxembourg, 27 October 2003.