

# MUNSA 2022



## European Council Study Guide

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## Note of the Chairs

*Dear delegates,*

In the context of MUNSA 2022, we are giving you the opportunity to look more than forward to the nearest future. This is your occasion to position yourself on two topics that are of crucial importance on the current European Union agenda and contribute to the debate on their materialization within the community.

On the one hand, the first topic that is described in the present Study Guide is: “2022, the European Year of Youth: empowering young citizens”. bearing in mind that according to the 2021 State of Union address<sup>1</sup> made by the president of the Commission, the present year is the European Year of Youth. Europe is striving to give young people more and better opportunities for the future and we believe that, as university students, our voice and ideas could not be more convenient and accurate to contribute our grain of sand on this issue.

On the other hand, we would like to present to you the second topic: “Overcoming European dependence on third country fossil fuels: directing the EU to achieve carbon neutrality by 2050”. In this issue, you will have the chance to understand the reasons why Europe finds itself immersed in an energy crisis. In addition, you will also discover the different energy policies adopted by the Member States over the last few years to meet the objectives established in the Fifth Energy Package, as well as its development.

This study guide is your initial point of departure whilst preparing for the conference. However, it is enormously important to emphasize that it will be necessary for you to do a substantial amount of reading beyond this guide. The expectations for you to prepare well and contribute actively are higher in the case of this committee. In case of any questions or concerns, do not hesitate to contact us through our Committee email. We look forward to working with you and hearing the presentation of new and creative proposals on both topics.

*Yours sincerely,*

Aina Patiño I Pedrola & Alicia Formento Ruiz

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<sup>1</sup> European Commission. (15 September 2021) 2021 State of the Union Address by President von der Leyen. Retrieved from: [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_21\\_4701](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_21_4701)



## Information about the Committee

The European Council is one of the 7 institutions of the European Union. It defines the general political direction and priorities of the EU<sup>2</sup> and specifically, it is in charge of a set of functions, which are:

- Defining the political orientation of the EU;
- Formulating the European priorities (on the political agenda and strategic actions). In other words, how to act and the EU position in different aspects;
- Fixing the positions of the EU in foreign policy affairs;
- Choosing and appointing institutional positions, such as the President of the European Central Bank, the president of the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy (HR) or the entire College of Commissioners.

Since the creation of the European Economic Community (EEC), meetings of heads of government or state have been held informally with the aim of furthering European integration. Nonetheless, in 1974, as the European project matured, these meetings were consolidated by the creation of the European Council.<sup>3</sup> The aforementioned institution was created in the Paris Summit 1974 as an informal forum for discussion between the heads of state or government of the EU Member States.<sup>4</sup> In 1992, the Maastricht Treaty formally established this institution.

The European Council is mainly composed of the 27 heads of state or government of the Member States, the President of the European Council (the position is currently held by Charles Michel) and the President of the European Commission (the position is currently held by Ursula Von der Leyen). Moreover, the EU executive leaders are the ones who discuss, negotiate and agree on decisions.

Meetings are normally organized 4 times per year, however the President may hold additional sessions to deal with very sensitive and urgent matters. All decisions are taken on the basis of consensus (this means that topics are approved by unanimity), nevertheless it should be mentioned that few determined topics might be voted following the qualified majority voting used by the Council of the European Union).

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<sup>2</sup> European Council. Consilium of the EU website. Retrieved from: <https://www.consilium.europa.eu/en/european-council/>

<sup>3</sup> Ministry of Foreign Affairs of the Spanish Government. We talk about Europe: European Council. Retrieved from: <https://www.hablamosdeeuropa.es/es/Paginas/El-Consejo-Europeo.aspx>

<sup>4</sup> Ibidem.



# **TOPIC A: 2022, the European Year of Youth: empowering young citizens**

## **Introduction to the Topic**

2022 has been designated by the EU as the European Year of Youth (EYY), it is an initiative that has the aim of providing a better future for the young people in which they can have a greater influence on different purposes and in Europe. In other words, a more inclusive and egalitarian society in which future generations can own a role in decision making as European citizens.

Indeed, they want to take advantage of the post-pandemic situation as a new beginning, a new opportunity to offer to the youngest what they have claimed. That is why the EYY2022 focus on 4 main objectives:

- Highlighting how green and digital transition can bring new opportunities to them;
- Helping and promoting a more active and engaged role of young citizens with the EU; sharing experiences and connections with other people;
- Boosting opportunities available; in learning, culture and the workplace;

Bringing a youth perspective to the Union's policies; to ensure that all EU policies - on the environment, education, culture or in any other area - take youth issues into account (European Council, Council of the EU, 2022).

The EU Institutions have even created numerous hashtags to give more visibility to the new European initiative such as #EYY2022, and #ForYouthRights. This year is an important milestone in acknowledging young people's expectations, rights and needs. Embedding real change requires legislation that specifically helps young people where they need it the most (European Youth Forum, 2022) instead of sweeping the gates as some young people have sometimes felt or have felt.

The EYF has been and will embrace different meetings such as conferences, promotional campaigns, and information. In order to be a success, the involvement of young people is crucial to make this initiative a



true reality and progress along with the national coordinators, the ones in charge of the organization of the multiple activities.

Although the role of the EU is very relevant in the initiative, it is crucial to highlight the importance of the Member States and national actors as they will be the ones implementing and adopting the different activities held in the respective countries. The European Council meeting provides a platform to exchange information and experience, helping EU countries to coordinate their actions (European Council, Council of the EU, 2022) because, without greater cooperation between them, a prosperous and harmonized result could not be achieved.



## Key definitions

**State of the Union Address (hereinafter SOTEU):** An annual speech made by the President of the Commission held in the European Parliament in which they address the achievements of the past year and the future ones. (European Commission, 2021)

**Just Transition Regions (JTR):** Are those countries which have high dependence on fossil fuels, this are the only ones who can receive the Just Transition Fund.

**Sustainable Development Goals (SDG):** Also known as Global Goals are 17 common objectives created to end some of the most important issues like poverty, hunger, discrimination or ensure peace and prosperity. They recognize that action in one area will affect outcomes in others, and that development must balance social, economic and environmental sustainability. (UNDP, 2022)

**EU Datahon:** EU Datathon is an annual open data competition organized by the Publications Office of the EU since 2017. The competitions are organized to create new value for citizens through innovation, and promoting the use of open data available on data.europa.eu. (EU Datahon, 2022)

**Youth Guarantee:** This initiative was established in 2013, its purpose is to guarantee that all young people under the age of 30, who sign up, will receive an offer of a job, apprenticeship, education, or training within four months. (Lloyd, 2022)



## History of the topic

According to the SOTEU of President Von der Leyen at the end of 2021, EYY constitutes a set of projects and initiatives promoted by the European Commission for fostering the inclusion of young citizens in the EU scheme and listening to their demands. Thus, the project presented has the aim to reinforce the importance of young people as the future generation of the EU. However, it should also be considered that one of the main reasons why it was decided to make 2022 the European Year of Youth was because of the COVID-19 pandemic.

Due to the restrictions and social distancing, young people have been one of the ranks that have experienced the worst social distancing with serious psychological consequences in a large number of this population. The previous statement should be underlined because it was remarked by several experts that “before the Pandemic, mental health institutions had about 10-20% of children suffering from mental illness problems, not all of whom progressed to an impairment. Now, from the last 2 years, it looks like it will go up to 20-25%” (Deeker, 2022). Due to the confinement and social distancing during these last years, the young population has suffered from social anxiety, depression and they also feel more pessimistic about their future (Unicef, 2022).

Exposing the situation on an EU scale, youth have not been able to experience and enjoy the different opportunities they have as citizens residing in the EU Member States, such as the facility to travel, study, reside or work in other EU states. The EYY could be a new chance to bring together young people with the EU, who have not always felt very connected to or represented by the institution. It may be that they see it as a very formal body and are unaware of what it has to offer. That is why the EYY will focus on re-establishing a positive outlook for European young people negatively affected by the impact of the COVID-19 pandemic (EU Monitor, 2021).



## Previous actions on these matters

Before 2022 was the European Year of Youth, there were already different measures and grants in place to help and give opportunities to young people in different fields. Some of the most important ones will be explained below.

**Youth Guarantee:** The Youth Guarantee plan, wants to assure a good quality and conditions offer of continued education, employment, apprenticeship. Every year, since nine years ago, more than 3 million people have benefited from the initiative. Young people between 15 to 29 years old can access the help.

**EU Youth Strategy:** Created with the Council resolution of 2018. It boosts the engagement of young people in democratic processes and the resources that make them part of society. This strategy is focused on 3 main areas of action: Engage, connect and empower. The EU Youth Strategy is based on several instruments, such as mutual learning activities, Future National Activities Planners, EU Youth Dialogue, EU Youth Strategy Platform and Evidence-base tools. The EU Youth coordinator is the European Commission's contact and visible reference point for young people. (European Youth Portal, 2022)

In addition, in order to better tackle the challenges that lie ahead, 11 European Youth Goals have also been developed:

- Connecting EU with Youth
- Equality of All Genders
- Inclusive Societies
- Information & Constructive Dialogue
- Mental Health & Wellbeing
- Moving Rural Youth Forward
- Quality Employment for All
- Quality Learning
- Space and Participation for All
- Sustainable Green Europe
- Youth Organizations & European Programs (European Youth Portal, 2022)

**European Youth Parliament** is an educational program which entered into force on 1987 that brings young people all over several European



countries current topics that the parliament has been discussed or it's currently discussing. This project was carried out in order to inspire and empower a young generation of informed, open-minded, responsible, and active citizens that shape society and drive impact. (European Youth Parliament, 2022) It provides a forum in which young people have the possibility to express and develop their opinions on different European political and social matters. From a peace-building dialogue, young Europeans with different way of thinking, backgrounds, and social situations will have the opportunity to express and share their ideas between them.

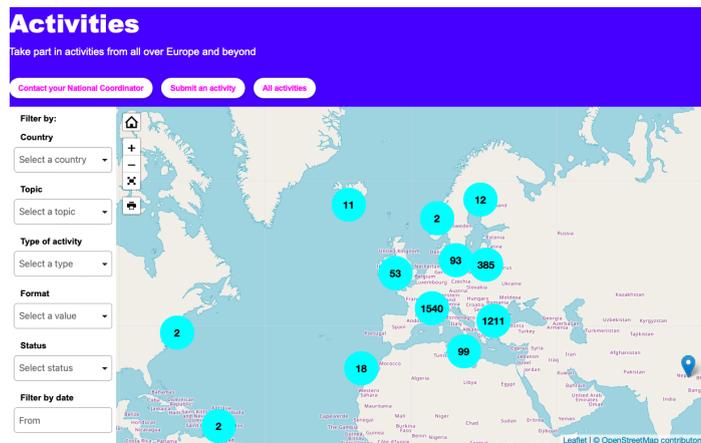
**ERASMUS:** Created by the European Commission in 1987 is one of the most well-known programs for young European students. It brings the possibility to especially young people to study abroad with economic aids. This program allows to learn a language in an advanced level in the sense that will be surrounded by native people from the country, increase your labor opportunities (some students start working in the country where they did their Erasmus), a great personal challenge in which you grow a lot as a person... This program was created to support education, training, youth and sport in Europe, and has an estimated budget of 26.2 billion euros. (Web oficial de la UE, 2022) In recent years, ERASMUS has focused a lot on issues such as social inclusion, digital and economic transition and the participation of young people in the democratic world.

# Current situation

## Activities<sup>5</sup>

Apart from the several policy initiatives mentioned above, the EYY has provided a map on its website (European Year of Youth 2022, 2022) in which it shows all the activities available promoted by the European Year of Youth initiative all over Europe and beyond.

The EU has also provided all the information of the activities like the location the organization and schedule. In addition, if young people have any doubts or questions the contact of each national coordinator has been facilitated. Also, there is the possibility of submitting your own activities to the website.



## Policy initiatives

The EYY has divided different opportunities into 8 fields: Green, Youth and the world, digital, health well-being & sports, culture, education & European learning mobility, employment and inclusion, policy dialogues & participation and solidarity with Ukraine. Each of them proposes different initiatives for young people to be committed with.

### **Green:**

**EU Teens4Green** is a unique REGIO Technical Assistance that gives young people up to 10.000 euros for climate initiatives in Just Transition regions. In doing so, it promotes **participation of young people** in the design and implementation of cohesion policy and in particular, with regard to the just transition towards climate neutrality, a greener Europe. (European Youth Policy Initiatives, 2022) People between 15-24 years old are able to receive this aid for a period of 1 year. Indeed, they have to be resident from the Just Transition Regions. This assistance was implemented in order to provide

<sup>5</sup> Image. (2022). It shows where the different policy initiatives are located on the map. Retrieved from: [https://europa.eu/youth/year-of-youth\\_en](https://europa.eu/youth/year-of-youth_en)



and develop ideas that can boost a better awareness and participation in society regarding Green initiatives in Europe.

### **Youth and the world:**

**Safir** is a project which has the aim of achieving the Sustainable Development Goals (SDG) in 9 countries of the Northern Africa and the Middle East (Egypt, Algeria, Lebanon, Jordan, Morocco, Libya, Syria, Palestine and Tunisia) and supporting their youth community. Safir is built around 3 pillars:

- Providing support to 1000 young project leaders
- Developing a regional network of organizations supporting social entrepreneurship, in which They will work towards the consolidation and standardization their support methodologies
- Accompanying the creation of spaces for dialogue between youth and governmental authorities. (European Youth Policy Initiatives, 2022)

### **Digital**

**Happy Onlife** is a game created for children that tries to show the importance of awareness & consciousness among parents, teachers and children of the advantages and risks of the internet and also the promotion of best online practices through different questions and quizzes about the use of internet, online games or social networks.

**EU Datahon** competition is a way of addressing the societal and environmental challenges made by the EU Datahon. It calls for innovators from around the world to come up with new ways of using open data published on [data.europa.eu](https://data.europa.eu). to create practical apps and practices and propelled new start-up enterprises in order to tackle the current issues. (European Youth Policy Initiatives, 2022)

The 2022 competition focuses on four thematic challenges: The European Green Deal, Transparency in public procurement, EU public procurement opportunities for young people and A Europe fit for the digital age. (European Youth Policy Initiatives, 2022)

Of all the different proposals, 12 will be selected and presented to the public, in which young innovators will have the possibility to win a share



prize money, get international visibility of their ideas, to stand and make a difference...

## **Health, well-being & sports**

**HealthyLifestyle4** All this initiative done by the Commission has the aim of promoting healthy lifestyles across generations and social groups, it has 3 objectives:

- Raise awareness of the importance of a healthy lifestyle
- Easier access to sport or physical activities
- Creating a universal linking food, well-being, sport and health

## **Culture**

**Discover the #EUCulturalGems Platform** is a web platform, it consists of 290 city-maps of the EU members states. As not everyone has the resources to travel abroad, the web created a way in which you can discover various cultural places like music venues, historic sites, art museums or events online in which each of the places have their respective information and with that, make more accessible this knowledge and memories to the inhabitants.

**The European Heritage Awards** celebrates and promotes the highest standards in heritage interventions, research, and education, training and awareness-raising, as well the longstanding dedication of professionals and volunteers. They have the power of example that should inspire others. Among the up to 30 winners, five Grand Prix winners and a Public Choice winner are selected to receive a monetary prize. (European Youth Policy Initiatives, 2022) Indeed, the European Heritage Awards have been a good method to boost the visit of millions of citizens to the awarded and selected places.

## **Education and European learning mobility**

**The European Union Contest for Young Scientists** is a science competition for 14- to 20-year-old. It brings together first prize winners of national science contests for pre-Higher Education Institution school science projects. This competition brings to young scientists the possibility of meeting other abilities and interests, get help or guidance from the most relevant European scientists and compete with other students at a European level.



In this field as other relevant activities we have also the ERASMUS program but as it has been mentioned above it will not be explained.

### **Employment and inclusion**

**ALMA** is a new initiative to help young people who are not in employment, education or training to find their way to the job market by combining support for education, vocational training or employment in their home country with a work placement in another EU country. (European Youth Policy Initiatives, 2022) They will try to improve the chances to accessing to the job market to those who suffered the most the pandemic situation.

**The LGBTIQ Equality Strategy** are a set of actions and measures for the support to this community and ensuring a safe and an inclusive education for all children, teenagers and adults.

### **Policy dialogues and participation**

**#OurFutures for Europe** is an initiative with the aim of sharing the youth people ideas about the future of Europe. This will be done through the writing of a short story and the answer to some questions. At the end, the ideas and proposes will be shared and discussed by the EU policy makers.

### **Solidarity with Ukraine**

**EUvsDisinfo's** core objective is to increase public awareness and understanding of the Kremlin's disinformation operations, and to help citizens in Europe and beyond develop resistance to digital information and media manipulation. (European Youth Policy Initiatives, 2022) By the use of data analysis and media monitoring, the program will identify and expose the different disinformation cases originated by the pro-Kremlin media.

### **Visibility and voice**

There is also the possibility to the young European journalist the posting of articles and podcast talking about different aspects and giving the possibility give more impact to all their problems and concerns. Although this tool is particularly aimed at journalism and broadcast theme, the EYY initiative has taken it upon itself to create a forum for all those teenagers who want to express their views and hope for the future, you can either check out their views or be one of those who participate.



Furthermore, the EYY has also boosted a section about news in which you can stay up to date with the latest on European Youth. (European Year of Youth 2022, 2022) There are plenty of news and articles published every day addressed to young people so that they can be fully aware of the opportunities or different activities they can take part in or participate in.



## Block positions

There is a general support for this initiative among the European Member States, all countries agree on the importance of young people because they are the future. They also think that this has been one of the groups most impacted by the pandemic and that their opportunities, programs and education have been greatly affected. Therefore, we cannot observe any kind of division of block positions among the countries.

Although it cannot be appreciated a current problem with block position, thus it could be seen as a great advantage having a common consensus between all the member states countries of the EU because this initiative cannot be re-launched by a debate or a dispute as such between two blocks, and therefore the EYY could be efficient and have a great positive impact on future generations and young people. But the truth is that certain factors could complicate the development of this initiative.

It would be a mistake to think of it as a homogeneous entity whose needs, interests, aspirations, and claims are similar. Demographic and/or socio-economic cleavages or gaps are very present in the EU, (Gómez, 2022) these conditions make a heterogenous framework in which it can be observed a very different situation between the northern Europe and the southern one. There is a risk that some young Europeans do not see the EYY as an active project or a good representation of their respective futures. Indeed, although all countries suffered from the Great Recession and other economic crisis, it is well known that specially the southern countries experienced the most all the consequences. The youth of the Mediterranean countries experienced quite high unemployment rates. Moreover, the income of several countries like Portugal, Spain, Italy or Greece receives quite low-income rates compared to other countries like Germany, Sweden or the Netherlands which they could deal more effectively with the economic crisis.

Young people from the Mediterranean countries face a kind of “lost time”, compared to the previous generations. This is subsequently reflected in greater difficulty and delay in emancipation and, logically and in conjunction with the deterioration of their position in the labor market, a decrease in the number of children. (Gómez, 2022) The cleavage between Northern and Southern Europe is probably the main obstacle to the effectiveness of this initiative, because although young people in these



countries are strong supporters of the EU, they feel somewhat jaded and discouraged about their future employment. Although there are several initiatives aimed at creating and supporting youth employment, factors such as high inflation (an aspect that has always been very present in Southern European countries) or the public debt of these countries and other aspects may be beyond the EYY capabilities.



## Questions a Resolution must answer

1. Should the EYY focus more on more other fields in addition to those already explained?
2. Is the EYY initiatives enough for young people to become more involved in democratic life and to have more opportunities?
3. How can we make this initiative more visible to reach more young people attention?
4. How can we make people see that the project can be homogenizing or adaptable to different situations in EU countries?
5. Is the EYY capable to deal with the internal problems of some respective countries to assure a good implementation and effectiveness of their different projects?



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## **TOPIC B. Overcoming European dependence on third country fossil fuels: directing the EU to achieve carbon neutrality by 2050**

### **Introduction to the Topic**

The evolution of price of different energy sources throughout the year 2021 has continuously breached the existing records and this has caused that different sectors of the entire Union have shown concern about the existing common energy policy. The starting point of this upward path was noticed at the beginning of the mentioned year. However, the most significant event, which triggered the negative response of the consumer associations, was the new increase in the price of megawatt hour (hereinafter MWh) as a result of the pressure of prices in the pool market, the high prices of gas in the international market and the carbon dioxide emission rights.

Furthermore, the impact of the armed conflict between Russia and Ukraine, which began on the 24th of February of the present year, has had swift noteworthy outcomes in the field of the energy price because of the European reliance on Russian fossil fuels and other third countries.

Aiming at curbing the tendency, governments of the Member States have enacted different measures to balance the situation, nevertheless no significant changes have been observed heretofore. It should be clearly pointed out that the solutions proposed by the different governments have led to the creation of two clearly opposed factions in the European Union (hereinafter EU) since the beginning of the crisis. On the one hand, those Member States which consider that the current European rules governing the energy sector should not be amended and bet on focusing on the development of the Fifth Energy Package (Germany and the Netherlands leading this group together with the EU institutions). On the other, those Member States that want to intervene in the energy sector and change the community legislation of the energy sector while advancing to the transition to renewables (among which the French Republic and the Mediterranean countries uphold the most remarkable role).



This generalized and unprecedented situation requires rapid and effective action by governments and the EU Institutions and it cannot be left aside that two main topics have to be tackled: 1. the dependence on third country fossil fuels and 2. the unequal transition to achieve a European carbon neutral continent.



## Key definitions

**Carbon leak:** a carbon leak consists of relocating the business activity to another country outside the EU where there are no emission rights or where prices are very low.

**Carbon neutrality:** it is sought to achieve an economy with net-zero greenhouse emissions.

**Energy poverty:** combination of low income, high expenditure on energy, and poor energy efficiency of dwellings.

**EU Emissions Trading System:** system through which the Union fights against climate change by reducing greenhouse gas emissions cost-effectively. Although this system focuses on different sectors, the main classification is based on the emission of greenhouse gases that can be measured, thus there is not only the classification of sectors formed on CO<sub>2</sub> emissions, but also two additional ones: nitrous oxide emissions and the emission of perfluorocarbons. We find the sector of electricity and heat generation within the categorization of CO<sub>2</sub>, therefore the rise of the price of the CO<sub>2</sub> emission allowances impacts plenty on the price of the energy produced by those electricity plants that pollute the most, such as the combined cycle plants.

**Pool:** word used to refer to the wholesale electricity market.



## History of the topic

The beginnings of the European community deal with energy, in particular how the different countries organized the free movement of coal and steel and the free access to its production sources.<sup>6</sup> Being one of the foundations of the current Union, it is not surprising that this mainstay was one of the most developed in the current EU fundamental treaties: the Treaty of the European Union (hereinafter TEU) and the Treaty of Functioning of the European Union (hereinafter TFEU).

We should focus on the article 194 of the Treaty of Functioning of the European Union to determine the basis of this sector. Following this article, it can be discerned the basic objectives of the common energy policy, emphasizing the importance of: 1. enhancing the integration of the common energy market; 2. promoting energy solidarity between Member States; and 3. respecting the environment by fostering the use of renewables and energy efficiency. Additionally, the article sets out different correlations within the same treaty, from which should be highlighted: the security of supply (art. 122 TFEU), community interconnection of energy networks (arts. 170 to 172 TFEU) and the internal energy market (art. 114 TFEU).

The development of the aforementioned principles led to the proposal made by the European Council to create the Energy Union (2015). This proposal, which has already become a reality, searches to integrate the energy policy framework within the Union market by accentuating five objectives:

- “Diversify European energy sources and ensure energy security through solidarity and cooperation between Member States;
- Ensure the functioning of a fully integrated internal energy market, promoting the free flow of energy across the Union through adequate infrastructure and without technical or regulatory barriers;
- Improve energy efficiency and reduce dependence on energy imports, reduce emissions and boost jobs and growth;
- Decarbonize the economy and move towards a low-carbon economy in line with the Paris Agreement;

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<sup>6</sup> Economic Community of Coal and Steel, formally established in 1951 by the Treaty of Paris.



- Promote research in clean and low-carbon energy technologies and prioritize research and innovation to drive the energy transition and improve competitiveness.”<sup>7</sup>

To achieve efficiency in this sector, specific competition policy was introduced with the Third Energy Package (2009-2014), which sought to integrate the energy market based on making the pool market much more transparent and incentivizing the trans-European energy infrastructures.<sup>8</sup> Nonetheless, it must be said that there have been different Energy Packages but those that should be underlined are the following ones: the Fourth Energy Package (2015-2020) which focuses on the design of the electric market and introduces different norms related to the energy storage and more specifically the Fifth Energy Package, entitled “Complying with the European Green Deal”. Despite being in process of debate, the main goal seeks to achieve the carbon neutrality of the European continent by 2050.

While it is observed that the Union has sought to achieve a certain level of harmonization in the energy sector in order to ensure not only competitive production, but also to energy supply to the citizens, it should be borne in mind that the current model has several flaws. The main error is the fact that the development of the different Member States in the transition to be energetically self-sufficient and greener is uneven. One of the reasons for this is the large dependencies of the system on fossil fuels, which most of them have to be imported from other countries outside the EU.

Even though it was already exposed that the Union could not rely solely on those states to fulfill the purposes of the TFEU, it became even clearer when the war between Russia and Ukraine began. Indeed, more than half (58’2%) of the gross energy available in the EU corresponds to imported energy sources.<sup>9</sup> Thus, the Union considers that the only way to alleviate the consequences of the energy crisis and stop depending on such an amount of third country fossil fuels is to achieve the transition to a renewable and carbon neutral Europe by the half of the century.

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<sup>7</sup> Ciucci, M. (October 2022). Energy policy: general principles. Thematic sheets on the European Union. Retrieved from:

<https://www.europarl.europa.eu/factsheets/es/sheet/68/la-politica-energetica-principios-generales>

<sup>8</sup> The Third Energy Package is mainly developed through two main Regulations: 1. Regulation (EU) 1227/2011 of the European Parliament and of the Council, from the 25th of October 2011, on the integrity and transparency of the wholesale energy market and 2. Regulation (EU) 347/2013 of the European Parliament and of the Council, from the 17th of April 2013, regarding guidelines on trans-European energy infrastructures.

<sup>9</sup> EuroStat. (4th of March 2022). EU energy mix and import dependency. Retrieved from: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU\\_energy\\_mix\\_and\\_import\\_dependency](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_energy_mix_and_import_dependency)



## Previous actions on this matter

### Legal concept of energy

When someone reads the main EU norms derived from the community energy policy, it is not uncommon to conceive that the concept of energy responds more to a commodity, rather than a right that everyone should be able to have access to.

The European legislation on this matter has set up the energy market in general, and the electricity market in particular, in such a way that the principle of free competition<sup>10</sup> prevails over the basic needs of citizens, who are usually considered only as consumers or clients. In this paragraph, article 14 TFEU should be highlighted because it states that businesses shall respect the economic and financial conditions when offering services of general economic interest. These types of services are commercial service activities that fulfill missions of general interest and are subject to specific public service obligations, for instance, transport networks, energy, communication and postal services shall be considered services of general economic interest.<sup>11</sup> Thus, it cannot be said that it derives from general European legislation nor from sectoral norms the existence of energy rights to the citizens.

In view of the EU conceiving energy as a service of general economic interest and not a right, this has a strong repercussion on the national legislation of each Member State.

Nevertheless, all 27 Member States have ratified some international treaties which develop the right to energy as a right that every citizen should be granted. Some of the foregoing treaties that should be pointed out in this section are:

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<sup>10</sup> "A market where there is free competition is a market in which mutually independent businesses engage in the same activity and contend to attract consumers. (...), each business is subject to competitive pressure from others". Publications Office of the European Union. Glossary term: competition. Retrieved from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:competition#:~:text=A%20market%20where%20there%20is,competitive%20pressure%20from%20the%20others>.

<sup>11</sup> Publications Office of the European Union. (24 of March 2017). Glossary term: Services of general economic interest. Retrieved from: [https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=LEGISSUM:servicios\\_general\\_economic\\_interest#:~:text=Los%20servicios%20de%20inter%20econ%20mico,comunicaci%20n%20y%20los%20servicios%20postales](https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=LEGISSUM:servicios_general_economic_interest#:~:text=Los%20servicios%20de%20inter%20econ%20mico,comunicaci%20n%20y%20los%20servicios%20postales)



- The International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR) (1966), of which it should be highlighted the article 11 because it is mentioned the right of an adequate dwelling;
- The Convention on the Elimination of All Forms of Discrimination against Women (1979), in which article 14 exposes the following: “to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”

Furthermore, according to the general observation num. 4 made by the Committee on Economic, Social and Cultural Rights of the United Nations to the ICESCR, the right of an adequate housing comprehends the permanent access to natural and common resources such as drinkable water, energy access for the lighting, heating...<sup>12</sup> Hence, the right to energy is included in the elements typified as conditions of the right of adequate dwelling.

Everything that has been exposed until this point leads to the thought that the heritage of the EU legal concept of energy entails giving more weight to the economic principle of market competition and excludes the possibility of considering energy as a right of citizens.

### **European Green Deal**

As previously mentioned, the Fifth Energy Package, or European Green Deal, was presented in December 2019 by the European Commission and it distinguishes itself from the previous energy packages because it seeks to guide the EU to become the first climate neutral continent by 2050.

This general goal is coordinated with other aims, such as: 1. achieving a sustainable economy that will reward society by allowing future generations to meet their needs; 2. for Europe to lead the fight against climate change; and 3. to drive cooperation between different countries.

Nevertheless, even though the aforementioned objectives can be considered ambitious, the truth is that the Commission is still working on a development plan to materialize them. This means that although the Member States acknowledge the final goal, they have only been given

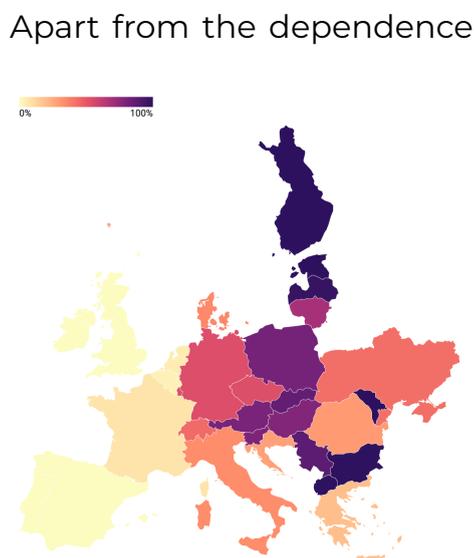
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<sup>12</sup> The general comments can be found in the UN page, for instance: UN Committee on Economic, Social and Cultural Rights (CESCR). (13 of December 1991). General comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant). Retrieved from: <https://www.refworld.org/docid/47a7079a1.html>

some general guidelines to achieve it. For example, some of them may be: encouraging the development, implementation and efficiency of renewable energies through Next Generation Funds and promoting the improvement of intra-community energy connections to ensure the energy supply of the Union, among others.

It should be noted that the energy mix of the EU has become more diversified in the last decade, especially thanks to investment in renewables. Nonetheless, leaving aside the different rhythms of the Member States in adopting the EU energy policies, the war between Russia and Ukraine has demonstrated the evident and inadequate dependence of the Union on raw materials and fossil fuels from third countries. This tie has meant that the response of the Union in the conflict has been reduced. In fact, as can be observed in the map, most of the Member States depend on very high percentage of Russian gas imports: countries such as Estonia, Finland, Bulgaria and Latvia depend practically of 100%; other countries, like Austria and Germany also depend heavily on Russian gas despite acquiring gas from other sources.

Map: Dependence on imports of Russian natural gas<sup>13</sup>



Apart from the dependence on Russian natural gas, the large percentage that Russia exports of oil to EU countries is also highlighted, being approximately 50%. All this data is important because it must be also related to the raw materials exported by Russia, which are used to manufacture from the most basic products to the most complex technologies. Some of the materials that are underlined are (but not limited to): coal, different types of metal and other materials, among which we can find iron, nickel, aluminum, copper uranium, bauxite, gold, diamonds and platinum.<sup>14</sup>

<sup>13</sup> Datawrapper. (11 of March 2022). These are the most dependent European countries of Russian natural gas. Retrieved from: [https://www.datawrapper.de/\\_/pBYOV/](https://www.datawrapper.de/_/pBYOV/)

Note: take into account that there are countries in the map that are not EU Member States.

<sup>14</sup> BBC. (11 of March 2022). Russia and Ukraine: from wheat to aluminum, 4 strategic exports of the two countries. Retrieved from: <https://www.bbc.com/mundo/noticias-internacional-60693406>



## Current situation

### **Elements conditioning the current energy crisis**

Before proposing any ideas to improve the current situation, it should be clearly structured and explained further the elements that are conditioning the current energy crisis which is affecting all over Europe.

On a first instance, since mid 2021, there has been a strong revaluation of natural gas in international markets. The EU regulation of the community energy market not only determines the structure of this specific market, but also some organizational details that have a decisive impact on the electricity price and are highly related to the use of gas to create energy. One of these examples is the correlation of wholesale electricity prices with gas prices, whose objective is to guarantee available plants to the electricity companies to respond to the demand and avoid blackouts with price incentives.<sup>15</sup>

Secondly, since the beginning of 2021, there has been an increase in electricity demand. Although meteorological aspects and the time of the year should be taken into account to determine the demand, it must be underlined that the effects of the pandemic have been slowly mitigating since the aforementioned date. Consequently, there has been a process of normalization of economic activity, which began to approach pre-pandemic levels at the beginning of last year. The increase of the fuel prices should also be taken into account.

Moreover, in the electricity market, different types of megawatts are not sold, but the same megawatt, independently of which type of electricity production plant has created it. At this juncture, it should be remembered that natural gas still plays a remarkable role in the EU energy mix and, in addition, gas is the raw substance with which combined cycle plants generate electricity.

Finally, and linked to the previous points, it must be noted the increase of the price of carbon dioxide (hereinafter CO<sub>2</sub>) emission allowances, based upon the EU Emissions Trading System (hereinafter EU ETS).

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<sup>15</sup> This mechanism was introduced in the Directive 2009/72/EC of the European Parliament and of the Council from the 13th of July 2009, on common rules for the internal electricity market.

Chart: Increase of the price of CO2 emission allowances<sup>16</sup>



As a whole, the combination of these main elements explains why the energy prices have been breaking historical records in the wholesale market since the beginning of 2021.

### **Recent developments from the European Commission**

#### **Normative texts**

Ever since the worst omens that the energy crisis would last more than the few months originally planned were confirmed, there were already discrepancies between what types of actions should be carried out. Some Member States, such as Spain, considered that action should be taken with a speed that the EU did not comply with. After months of pressure from some of the 27, on the **13th of October 2021** the European Commission issued a **Communication** in which it tackled the increase of the energy price. Despite mentioning the common causes that contributed to the growth of the energy cost, the most interesting section of the aforementioned communication is the chapter in which a toolbox of actions is proposed to help Member States facing the current situation.

The measures, which are designed to be performed in an immediate or medium term, are a range of options that the Commission offers to the Member States. This means that within the range of alternatives, proposals that go beyond those suggested must be assessed first by the Commission before being implemented. One of the principal reasons why different proposals must be first analyzed by the Commission before performing them is because it is sought to carry out only those measures that will not

<sup>16</sup> Trading Economics. (28 of June 2022). EU Carbon Permits. Retrieved from: <https://tradingeconomics.com/commodity/carbon>



have a negative impact on the principle of free competition and normal functioning of the European energy market. It should be noted in this paragraph that the immediate measures are temporary measures to tackle the present scenario. However, the measures that should be further endorsed are those proposed in the medium-term, which aim to achieve a decarbonized and resilient European energy integrated market in the not-too-distant future.<sup>17</sup>

Taking into account the different events which have taken place in the international scenario since the beginning of the war between Russia and Ukraine, on the **8th of March 2022** another **Communication** from the Commission was issued. The plan REPowerEU was introduced, on the one hand, to achieve a more affordable, secure and sustainable energy and, on the other, outline a plan to make Europe independent from Russian fossil fuels before 2030.

In addition, and linked to the latter point, several informal meetings of the Heads of State or Government have taken place in 2022. As a result of the debated topics throughout the different meetings, the **Versailles Declaration** was developed. Specifically in the section II of the Declaration, it is again pointed out that the EU has a strong dependence on Russian fossil fuels and different actions must be implemented to overcome not only the aforesaid dependency, but also to foster a greener and sustainable Europe in the nearest future.

Visibly, two points should be accentuated from this soft law text. On the one hand, it is the first occasion in which biogas and green hydrogen are seriously taken into account as possible substitutes for fossil fuels. On the other, the Commission emphasizes the importance of the fossil fuel storage in each Member State to prevent Europe from showing itself energetically vulnerable again in the future due to the meddling from third countries. One of the materialized proposals of the latter point has become visible with the pact that the European Commission has closed with Israel to import larger amounts of gas from this country.

## **Revision of the EU ETS**

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<sup>17</sup> To discover the different proposals, read from page 7 onwards of the 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. Tackling rising energy prices: a toolbox for action and support. Retrieved from: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0660>



As a result of the European Green Deal, which strives to achieve the carbon neutrality of the European continent before 2050, the EU ETS is in process of being revised with the intention of meeting the established objectives.

Different measures are being proposed to improve the current system, nevertheless one that should be highlighted in this point are the measures to face carbon leakage, which unquestionably affects the electricity generation and its price. One of these measures is the Carbon Border Adjustment Mechanism (hereinafter CBAM), an initiative which aims to place a duty on imports of carbon-intensive products from the following specific sectors: cement, aluminum, fertilizers, electric and energy production. Apart from discouraging carbon leakage, it is sought to stimulate partner countries to set up carbon pricing policies to face climate change.<sup>18</sup>

### **Energy poverty**

It has been exposed in the present paper that energy is considered by the EU as a service of economic interest and it is not recognized by Europe nor any Member State as a citizen's right. This means that the sphere of protection is smaller and that very few exceptions can be taken into consideration to ensure citizens affordable access to energy services in their homes. In this section it is sought to briefly expose the general exception of state intervention to ensure that citizens who are in a situation of vulnerability have access to the essential energy services (this situation is generally known as energy poverty).

As recital 59 of the recast Electricity Directive recapitulates "energy poverty arises from a combination of low income, high expenditure on energy, and poor energy efficiency of dwellings. The impact of volatile energy market prices and poor energy efficiency, especially in terms of the performance of buildings, in combination with a broad range of socioeconomic factors associated with general poverty and issues arising from housing tenure systems, make the issue complex to address".<sup>19</sup> The very first EU legislation that exposed the situation of energy poverty was the Directive 2009/72/EC, from the 13th of July 2009, concerning common rules for the internal market in electricity and the Directive 2009/73/EC, from the 13th of July

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<sup>18</sup> The press release on the 15th of March 2022 confirms that the Council of the European Union has reached an agreement to regulate the CBAM.

<sup>19</sup> The recast directive means the Directive 2019/944 of the European Parliament and of the Council from the 5th of June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU, mentioned in section II of this work.



2009, concerning common rules for the internal market in natural gas. Specifically, article 3 of the latter Directive describes that Member States should include in their social policies determined public service obligations to ensure customer's protection. More precisely, this means that Member States shall impose on undertakings operating in the gas and electricity sector the obligation to not disconnect gas/electricity to vulnerable customers which find themselves in critical circumstances.

Since this first mention of energy poverty, community legislation has adopted this posture in the subsequent normative regulations of the other energy fields other than gas and electricity. Nonetheless, for this subtopic of the Study Guide it is crucial to note the Commission Recommendation (EU) 2020/1563, from the 14th of October 2020, on energy poverty, which recitals describe that "ensuring basic and essential access to energy is a major challenge for the EU and (...) it should be remembered that the European Pillar of Social Rights (...) includes energy among the essential services which everyone is entitled to access." It is interesting to highlight this Recommendation for two points: firstly, it is remarkable how it is remembered that social policy measures and energy efficiency improvements shall reinforce each other, especially in housing matters. Secondly, it is the first time it is pointed out that in the energy transition no one can be left behind. Therefore, a clear consequence for Member States is to maximize efforts to ensure that their entire population has basic access to energy.

Furthermore, despite Member States adapting this exception in their internal legislation, in reality it has been proven that its application is complex. It should be accentuated that the Communication from the Commission to the EU institutions, from the 13th of October 2021, specifies that "based on the latest available data, in 2019, about 7% of the EU 27 population, i.e. 31 million people, were unable to keep their homes adequately warm, with significant differences between income groups and Member States. Moreover, 6% of the EU population lived in households with arrears on utility bills." Taking into account the data presented, the point 3.1 of the Communication tackles this issue by proposing measures to protect vulnerable consumers in front of the energy crisis, such as: provide time limited compensation measures and direct support to energy-poor end-users through vouchers or by covering parts of the energy bill, put in place and/or maintain safeguards to avoid disconnections from the energy grid or defer payments temporarily, among others.



## Block positions

All Member States have launched important compensation programs to alleviate the impact of the rising energy prices. The different measures are not thought to contain inflation, but mitigating the upward path of the energy prices' on the most vulnerable sectors. The programs pay special attention to individuals in difficulty: in Germany, the most disadvantaged households receive a check to pay the electricity bill in full, while in other countries social bonuses are distributed depending on the level of income or, in the case of Italy, of the health situation. They also contemplate a wide range of circumstances that concern companies, whether in the transport, fishing, electro-intensive sectors or small companies in general (except Germany).

Although all Member States have decided to implement different measures to stop the price boom, it is assumed that there are other points on which almost all 27 agree, such as the purchase of gas from third countries other than Russia. In other topics, however, two different distinct blocks are created.

For example, the Mediterranean Member States, such as Spain, Italy, Portugal and Greece, have come together to demand a plan to lower energy prices that will separate them from the cost of gas and commit to new interconnections. In addition, together with France, these countries have called for a review of the Directive and Regulation that determine the structure of the gas and electricity market to adapt it to future needs. However, in this area, countries such as Germany, Austria and the Netherlands and the European Institutions have completely refused, considering the current regulations as very new (approved in 2019).

In the case of the Baltic countries, they stopped importing gas, electricity and/or Russian oil since the end of last May and have tried to supply it through contracts with countries of the Union and third parties.

Finally, as far as the Balkan countries are concerned, they are turning to coal to cope with rising global energy prices, leading environmental groups to fear that they will eventually go back on their commitments to phase out the fuel. most polluting fossil.



## Questions a resolution should answer

1. Can the Member States of the European Union ever be energetically self-sufficient and carbon neutral by 2050?
2. May be imposed the principle of free competition in all the economic areas that the EU has competence to regulate them?
3. Should the European Union promote the existence of a right to energy for all citizens?
4. Which kind of measures can be proposed by the EU institutions to fight against energy poverty?
5. How can the European Council deter the different measures adopted by the Member States that move away from the objectives established by the European Green Deal?
6. Which other measures, such as the CBAM, can be proposed by the Member States to stimulate partner countries to set up carbon pricing policies to face climate change?
7. Can Europe be independent of Russian fossil fuels long before 2030, as laid out in the REPowerEU plan?
8. What measures must be implemented in a short and medium term so that energy supply will not become a problem next winter, always following the objectives set in the Fifth Energy Package?



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