

EU external energy policy: the case of Azerbaijan

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Abstract

The article's aim is to identify the features of EU external energy policy. The author analyses the evolution of EU energy policy and ongoing energy transition, using the primary and secondary legislation and scientific literature. Particular attention is paid to the European Green Deal, which affects EU energy relations with third countries. Azerbaijan was chosen as the case of analysis, because this country is the one of important suppliers of the natural gas to the European Union. The author concludes that the Europeanisation of Azerbaijan through mechanisms of conditionality and externalisation is beneficial to both the EU and Azerbaijan, and this, in turn, will push Azerbaijan to follow the European Green Deal.

Keywords: European Union (EU), Azerbaijan, energy policy, European Green Deal.

Zewnętrzna polityka energetyczna Unii Europejskiej: kasus Azerbejdżanu

Streszczenie

Celem artykułu jest identyfikacja cech zewnętrznej polityki energetycznej Unii Europejskiej. Autor analizuje ewolucję polityki energetycznej UE i trwającą transformację energetyczną, wykorzystując ustawodawstwo pierwotne i wtórne oraz literaturę naukową. Szczególną uwagę poświęcono strategii Europejskiego Zielonego Ładu, który wpływa na stosunki energetyczne UE z krajami trzecimi. Do analizy przypadku wybrano Azerbejdżan jako kraj będący jednym z ważnych dostawców gazu ziemnego do państw członkowskich UE. W konkluzjach autor wskazuje, że europeizacja Azerbejdżanu poprzez mechanizmy warunkowości i eksternalizacji jest korzystna zarówno dla UE, jak i Azerbejdżanu, a to z kolei może skłonić Azerbejdżan do podążania za Europejskim Zielonym Ładem.

Słowa kluczowe: Unia Europejska (UE), Azerbejdżan, polityka energetyczna, Europejski Zielony Ład.

Energy is a vital element of the existence for any society. For the European Union (EU) as *sui generis* the energy issue is directly connected with economic development, and it continues to be important, as well as sensitive because of the unwillingness of the Member States to transfer it to the supranational level. In this regard, integration in the energy sector is progressing rather slowly. However, as noted by Wettestad, Eikeland, Nilsson (see: Wettestad et al. 2012: p. 71), in the 1990s–2010s there was a «hesitant supranational turn» in this sphere in the European Union. Currently, actions to move towards a common energy policy are becoming more prominent. This is confirmed by the establishment of the Energy Union in 2015.

Although the Lisbon Treaty did not significantly expand the powers of institutions in external energy policy, the role of the European Commission in this field is increasing¹. In particular, since the end of 2011, the European Commission has received limited representative powers to negotiate on behalf of the Member States about natural gas supplies from the Caspian region (Maltby 2013: p. 442). In addition, Azerbaijan, as a country belonging to the Caspian region, is of the greatest interest for research, because it is one of the important suppliers of natural gas to the EU.

The aim of this article is to identify the main vectors of the development of the European Union energy policy towards Azerbaijan.

Despite the fact that the issues of cooperation between the EU and Azerbaijan have been studied by scientists from various countries (Shabelnikova 2014; Gegelashvili 2020; Frappi 2013; Gomółka 2015; Hasanov et al. 2020; Azimov 2021), the main attention in their research was paid to ensuring the EU energy security, and the leading theory was neorealism. The present study is based on the concept of Europeanisation by Frank Schimmelfennig (2010, 2012).

Theoretical framework

The formation of a new type of polity on the territory of Europe after the Second World War laid the foundation for the identification of new theories that are used to describe the process of European integration. Neofunctionalism and liberal intergovernmentalism were considered the main theories until the 1990s.

Haas, as a prominent theorist of neofunctionalism, defined European integration as “the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states” (Haas 1958: p. 16). Neofunctionalists focused on the multiplicity of subjects involved in the decision-making process during European integration. Moreover, it was emphasised that later institutions were becoming more and more autonomous from their creators (the states) and therefore received more powers.

¹ The practice demonstrates that an important feature of energy policy is competence creep, “whereby the EU somehow manages to legislate and/or otherwise act in areas where it has not been conferred a specific competence” (Garben 2019).

At the same time, the intergovernmentalists believed that the institutions created by states played a secondary, stimulating role (Smeets, Zaun 2020: p. 20). Moreover, Moravcsik, who publishes works in this theoretical framework, notes that liberal intergovernmentalism being a revision of traditional intergovernmentalism is based on two main assumptions. The first one is that the key role belongs to national states interacting at the intergovernmental level through negotiations and bargaining. Secondly, states are rational in their actions, and "agreement to cooperate, or to establish international institutions, is explained as a collective outcome of interdependent (strategically) rational state choices realized through intergovernmental negotiation" (Moravcsik, Schimmelfennig 2018: p. 65).

In the 1990s, the theoretical framework of the study of the European integration process began to expand and went beyond the two theories mentioned above. If earlier studies were focused on the domestic level, then democratisation in the Central and Eastern European countries and their "return to Europe" (Tulmets 2014) of these countries after the collapse of the social bloc gave impetus to new theoretical approaches. Most of them can be combined under the collective name "Europeanisation".

Ladrech understood Europeanisation as "incremental process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making" (Ladrech 1994: p. 69).

Radaelli defined Europeanisation as "processes of (a) construction, (b) diffusion, (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures and public policies" (Radaelli 2003: p. 30).

In this article, the main focus will be on the external dimension of Europeanisation. Schimmelfennig (2012) pays attention to the logic of consequences, highlighting direct and indirect mechanisms in its framework. The main difference between direct and indirect ones is that in the first case the European Union seeks to purposefully share its model and values, but there is no such goal in the second case. At the same time the active role of the EU generates "unintended external effects" (Schimmelfennig 2010).

Conditionality and **externalisation** are of particular interest. Both mechanisms are based on cost-benefit calculations.

Conditionality assumes that the EU sets the rules that a third country must comply with in order to receive benefits. At the same time, it should be understood that the costs of a third country from adapting to the EU's rules should not exceed the benefits it will receive. This statement is especially relevant for those countries that do not plan to join the EU (in particular, Azerbaijan).

Another mechanism that is important for this article is **externalisation**. This is an indirect mechanism, according to which the EU does not directly promote its rules, but another actor accepts them because it brings benefits. Most often, this mechanism takes place when it comes to economic interdependence and access to the EU market.

Azerbaijan is interested in close economic cooperation with the EU, therefore, its Europeanisation through the Externalisation mechanism is quite possible.

Evolution of the EU energy policy

The issue of energy is one of the most important since the beginning of the European integration. Established in 1951, the European Coal and Steel Community was aimed to unite the coal and steel markets of six Western European states (France, Germany, Italy, Belgium, the Netherlands, and Luxembourg). The next step was the signing in 1957 of the Treaty establishing the European Atomic Energy Community (Euratom). The tasks of Euratom were, *inter alia*, to “facilitate investment and ensure, particularly by encouraging ventures on the part of undertakings, the establishment of the basic installations necessary for the development of nuclear energy in the Community; ensure that all users in the Community receive a regular and equitable supply of ores and nuclear fuels”, etc. (Treaty 2012: art. 2). At the same time, the emphasis in the development of energy policy was placed on the interests of the Member States.

Due to the increasing dependence on imported oil, the European Economic Community was aware of the need to ensure a safe energy supply. This issue was particularly acute in 1973–1974. Then, due to the support of some Western countries (Canada, the USA, the Netherlands, Great Britain, Portugal) for Israel in the Yom Kippur War, the Persian Gulf countries simultaneously significantly increased oil prices. This crisis later became known as the “first oil shock”. At the same time, the consequences for the economies of the nine countries of the European Economic Community (EEC) were different. The Netherlands faced a complete embargo. Britain and France, thanks to the cessation of arms supplies to Israelis and Arabs, received almost uninterrupted supplies. The other six EU countries faced a partial reduction in energy supplies (see: Hellema et al. 2004). The “second oil shock” caused by the Iranian Islamic Revolution in 1979 and the subsequent reduction of oil production led to the economic crisis in Europe (Barsky, Kilian 2004). Thus, the two oil shocks of the 1970s became the trigger for the development of policies aimed at ensuring the energy security of the Community. According to Borovsky and Shishkina (2021), ensuring energy security was the first goal of the EEC energy policy in historical retrospective.

Later, in the 1980s, the vector shifted towards the formation of a common energy market. The movement in this direction began in connection with the adoption of the Single European Act in 1986. Thus, Community members began to pay more attention to economic goals, as evidenced by the *Communication from the Commission to the Council of 18 April 1988 on the internal energy market COM (1988) 238 final*. However, progress towards integration in the energy sector was hampered by the unwillingness of a number of the Member States, primarily those who had large reserves of their own energy, to transfer powers to the supranational level (Geden, Fischer 2008).

As the environmental agenda became more and more popular, the European Union was moving towards the realisation of the third goal in its energy policy – the achieve-

ment of an environmentally friendly and climate-neutral energy supply to the Union. In the Treaty of Amsterdam (1997), sustainable development was enshrined as one of the EU's development goals. Promotion of climate-neutral energy supply contributed to the adoption of four energy packets (directives from 1996 and 1998, 2003, 2009, 2019), which will be discussed below.

Integration in the energy sphere contributed to the establishment of the Energy Union in 2015. Despite the short period of operation, we can note the sufficient efficiency of the Energy Union. Firstly, the European goals in the field of energy efficiency and renewable sources have become bolder. Secondly, the role of the European Commission, whose powers are limited by acts of primary law in the energy sector, is increasing. This, in turn, contributes to increasing the interdependence of the EU Member States, the Europeanisation of their internal energy policies and the strengthening of the supranational component in the EU energy policy (Yudina 2021).

Energy transition in the European Union

Smil defines energy transition as "the change in the composition (structure) of primary energy supply, the gradual shift from a specific pattern of energy provision to a new state of an energy system" (Smil 2010: p. vii; Smil 2017). O'Connor interprets it as "a particularly significant set of changes to the patterns of energy use in a society, potentially affecting resources, carriers, converters, and services" (O'Connor 2010: p. 2). At the same time Fouquet and Pearson underline that the energy transition is a "switch from an economic system dependent on one or a series of energy sources and technologies to another" (Fouquet, Pearson 2012).

Despite the fact that definitions of energy transition vary, it can be concluded that energy transition implies sustainable and affordable energy production and use for society. At the same time, the implementation of the energy transition requires political will, the development of new legal norms and the improvement of technologies.

It is worth noting that extensive legislative framework regulating energy transfer in the European Union began to appear in the 1990s. An important role was assigned to the first and second energy packages aimed at liberalising energy markets (Talus 2017: p. 388). The first energy package included two directives: the first Electricity Directive 96/92/EC of 1996 and the first Gas Directive 98/30/EC of 1998 (see more: *The Clean Energy... WWW*).

The second energy package was adopted in 2003. It included the second electricity Directive 2003/54/EC, the second gas Directive 2003/55/EC, and Regulation (EC) 1228/2003 on conditions for access to the network for cross-border exchanges in electricity. Thanks to the second energy package, the Member States created national regulatory agencies (NRAs).

In 2009, the third energy package was adopted, aimed at further liberalising the domestic electricity and gas markets. It amended the second package and became the "cornerstone" for the implementation of the domestic energy market. It should be noted

that the entry into force of the Lisbon Treaty in 2009 contributed to the convergence of energy and climate policy in general.

Electricity Directive 2019/944, Electricity Regulation 2019/943, Risk-Preparedness Regulation 2019/941 and Agency for the Cooperation of Energy Regulators Regulation 2019/942 were adopted in 2019. Together they are the fourth energy package. This package provides for the preparation of action plans of the EU Member States in emergency situations in case of energy crises and gives more powers to the Agency for Cooperation of Energy Regulators. In addition, the fourth energy package pays considerable attention to renewable energy sources and attracting investments. As a follow-up, in July 2021, the European Commission presented the "Fit for 55" Package delivering the European Green Deal. This package is the fifth one. It is focused on combating climate change and greening the energy system (European Commission W/W).

However, in this context, it is necessary to take into account the fact that the energy transition requires permanent development of the legislative framework. At the same time, the increase in the number of regulatory legal acts makes it difficult to attract private capital needed for low-carbon energy sources (Boute 2015: p. 508).

External dimension of the EU energy policy: Azerbaijan

The establishment of the Energy Union is an important step of the EU towards a unified energy policy. However, integration in this area has not progressed so far. It can be said that the EU "speaks with one voice" (Schubert et al. 2016). The main difficulty lies in the sensitivity of the transfer of powers in the energy sector to the supranational level. Moreover, a wide range of actors, whose interests differ, are involved in the development and implementation of energy policy.

However, as we gradually move towards a common energy policy for the EU, the issue of external governance is becoming more and more relevant. After ten new states joined the European Union in 2004, the EU moved to a new stage of building relations with neighbouring states. The idea of Europeanisation was put forward, providing for the adaptation of neighbouring countries to EU standards without joining the Union. The *Strategy Paper on the European Neighbourhood Policy* (ENP) published in 2004 by the Commission (2004) stated about building privileged relations based on common European values. Eastern European states (Ukraine, Moldova, Belarus), Russia and three states of the South Caucasus (Armenia, Azerbaijan, Georgia) were involved in the European Neighbourhood Policy. The ENP assumes cooperation of the above-mentioned states with the EU in several areas, however, energy and the environment are the most important for this article.

A special role is assigned by the European Union to Azerbaijan as the largest economic partner in the South Caucasus. Since the mid-2000s, cooperation between Azerbaijan and the EU has gradually deepened. Along with financial instruments, the European Union has developed new mechanisms to promote the ENP. In particular, a *Memorandum of Understanding on Strategic Partnership in the Energy Sector* was concluded with Azerbaijan in 2006.

In the context of the European Green Deal, which will be discussed later in this article, Azerbaijan is considered by the EU as one of the key actors due to the need to diversify energy suppliers. It is determined by the total deterioration of EU–Russia relations after the beginning of the Ukrainian crisis. In the 2016 *Global Strategy for the European Union's Foreign and Security Policy*, relations with Russia are considered as "a key strategic challenge" (see: *Shared Vision, Common Action ...* 2016). The high energy dependence of the European Union on Russia strengthens cooperation with other energy suppliers, in particular with Azerbaijan, since "diversification from Russia may become a commercially more interesting option" (Romanova 2016: p. 35).

EU–Azerbaijan relations in the context of the European Green Deal

The European Green Deal (EGD) is a new strategy of the European Union to achieve zero total greenhouse gas emissions and zero total environmental pollution by 2050. The Green Deal covers a wide range of areas, such as economy, ecology, energy, etc. At the same time, it is worth noting that the EGD has not only an internal dimension, but also an external one. However, decision-making in the field of foreign and security policy requires unanimity, which sometimes significantly complicates the development and implementation of foreign policy tasks.

Initially, EGD was presented at the end of 2019 as an internal EU's strategy. In *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The European Green Deal COM(2019)640 final*, it was stressed that the EGD would be used as a roadmap for coordinating efforts in various fields including biodiversity and agriculture, as well as energy and climate (see: European Commission 2019). However, later the external dimension of EGD began to be traced more clearly. One of the most striking examples is the publication of the *Council conclusions on Climate and Energy Diplomacy Delivering on the external dimension of the European Green Deal*, which include a call for third countries to go further in realizing their climate ambitions, develop clear short- and medium-term goals corresponding to long-term commitments, and gradually abandon fossil fuel subsidies (see: Council of the European Union 2021).

A special place in the implementation of the external strategy of the EGD is assigned to the Eastern Partnership countries. The *Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: Eastern Partnership policy beyond 2020 Reinforcing Resilience – an Eastern Partnership delivers for all, JOIN(2020)7 final* states that the European Union will support a green transition in the Eastern Partnership countries (European Commission, High Representative 2020). This is especially important for such EU trading partner as Azerbaijan. The EU accounts for more than 40% of the country's trade turnover, which makes it Azerbaijan's leading trading partner. We shouldn't also forget that the latter has established itself as a reliable partner and guarantor of the EU's energy security (Gegelashvili 2020: p. 49).

So, how will the implementation of the EGD affect the energy relations of the European Union and Azerbaijan? Azerbaijan, as an energy supplier, probably expects a drop in oil demand from the EU, which will negatively affect the country's economy. And due to the fact that Europe accounts for about 20% of global crude oil imports, a sharp drop in demand in the EU will also affect the global oil market. In turn, to control the supplied fuel, the EU plans to introduce a carbon border adjustment mechanism, which will push exporters, including Azerbaijan, to switch to reducing carbon emissions (European Commission 2021). At the same time, the European Union has the opportunity to expand its influence by assisting the Eastern Partnership countries in improving technical standards and thus contributing to the convergence of energy markets (Pastukhova et al. 2020).

The transition to new energy sources in Azerbaijan is complicated by the fact that the success, thanks to which the country's economy has developed, is associated with innovative development of the fossil fuel industry. Thus, it will be more difficult for Azerbaijan to Europeanise its energy policy. However, it is worth noting that the European Green Deal does not imply the abandonment of natural gas in the short term². On the contrary, according to many experts, due to the introduction of a decarbonisation policy, Europe's dependence on natural gas will either remain at the current level or even increase (Stern 2020: p. 403). As for 2020, natural gas reserves in Azerbaijan amount to 0.99 trillion cubic meter (*Azerbaijan natural gas W/W*). Thus, Azerbaijan has the opportunity to increase natural gas export to Europe. A historically significant event was the commissioning of the Trans-Anatolian Natural Gas Pipeline in November 2019, which connects the giant Shah Deniz gas field in Azerbaijan to Europe through the South Caucasus Pipeline and the Trans Adriatic Pipeline. Azerbaijan's gas supplies are beneficial to both Azerbaijan and the European Union, because it helps to (1) diversify energy supplier countries and (2) implement the European Green Deal. At the same time, it should be noted that natural gas is considered by the European Union as an alternative only for a transitional period. As Executive Vice-President Timmerman has claimed at the Eurogas Annual Meeting 2021: "fossil gas may still play a role in the transition from coal to zero emission electricity" (*Executive Vice-President Timmerman's Speech...* 2021). However, such medium-term perspective is quite beneficial for both actors.

Conclusions

The research results described above, allow us to conclude that there are various vectors of the external dimension development of the EU energy policy towards Azerbaijan. The European Green Deal makes certain adjustments to the development of these relations, because the value orientations within the EU itself are shifting towards an environmentally friendly way of getting the energy. This fact causes some complications in the

² Decarbonisation of natural gas is required in the long term. As Stern (2020) notes, "natural gas (methane) will need to be decarbonized, on a far more rapid timetable than was previously envisaged". Moreover, "the development of decarbonized gases will determine the future of this source of energy in an energy transition of several decades".

relationship between the two actors, because the EU is aimed to the green energy, while the Azerbaijan follows the policy of traditional fuel extraction. In this context, Azerbaijan is also expected to change its domestic policy to a more acceptable for the EU one. Thus, if Azerbaijan wants to continue to be one of the main EU's partners, the process of Europeanisation within the country will be continued anyway, since it is beneficial to both sides: Azerbaijan for economic reasons, and the EU for the need to diversify energy supplies.

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