

## SUMMARY

**Key Words:** energy law, energy security, EU, energy market, suppliers and consumers, energy industry.

**Subject matter:** International legal aspects of providing European energy security

**Author:** Kempinskaya Anzhelika Vitalievna

**Supervisor:** PhD in law, associate Professor at the Department of Civil Law and Procedure Durneva P.N.

**The supervising organization:** SEC "YurProsvet"

**The relevance of the research topic** Energy security is an integral part of the modern international security system.

The first decade of the twenty-first century was marked by a number of international conflicts and contradictions that embody both traditional international challenges and threats, as well as new problems. Among such problems, the non-military aspects of security come to the fore.

For several decades, researchers have been trying to conceptualize energy security in a universal and applicable way. Despite the fact that the concept of energy security appeared in the scientific literature as early as the 1960s, energy security as a subject of research emerged against the background of the oil crises of the 1970s.

Energy systems and networks cross national borders, making international cooperation an essential component of energy sector efforts.

The rapid economic growth of the second half of the XX century, despite all its positive aspects, was the result of many international problems, including energy threats. They stand out especially against the background of other non-military international risks, since they are caused, on the one hand, by a massive increase in energy consumption in the world, which will not be stopped in the foreseeable future, and, on the other, by the gradual exhaustion of traditional fuel sources. Oil, natural gas and other non-renewable energy sources are becoming the subject of increasing interest from developed countries, which need them to ensure stable economic growth.

International cooperation in the energy sector is actively developing, and allows us to form balanced energy supply systems, provide physical protection of energy infrastructure facilities, and create free markets for energy products. However, this area is currently subject to a large number of various risks that threaten not only sustainable economic growth, but also international stability in general. Uneven supply of energy resources, interruptions in their supply, violation of concluded international contracts, artificial closure of sales markets, the use of energy arguments in political pressure-these are just a small part of the problems that can create an imbalance in the existing system of international security. This is what determines the desire of most States to ensure their energy security by creating international legal guarantees and using the mechanisms of international organizations.

**The purpose of the work:** it consists in identifying the objective regularities of the functioning of modern international legal mechanisms for ensuring the energy security of European states.

**Objective:** to reveal the concept of energy security; to consider the content of the principles of ensuring European energy security; to analyze the legal mechanisms of ensuring energy security of the European Union; to reveal the legal mechanisms of the Energy Charter Treaty and their relationship with the mechanisms of European integration associations; to consider the features of modern international legal regulation of bilateral cooperation between the Russian Federation and the European Union on issues of ensuring energy security; to study the features of the modern international legal regulation of bilateral cooperation of the Russian Federation with individual European states on issues of ensuring energy security; to formulate conclusions and proposals for improving the modern international legal framework for cooperation of the Russian Federation with the European Union, other European intergovernmental organizations, as well as individual states in order to increase their protection from energy risks.

**The theoretical and practical significance of the research.** Certain provisions can be used for

the purpose of developing provisions for legal support of energy security in the Russian Federation, regulating the energy security of foreign countries and the Russian Federation, as well as for a comparative analysis of the energy security of Russia and foreign countries. In addition, the research materials can become the basis for the development and implementation of specialized training courses on international legal orientation of energy security, taught in universities and other educational institutions.

### **Results of the study:**

There is no generally accepted definition of energy security. But the presence of different meanings does not necessarily mean the existence of different concepts of energy security. In some cases, this may mean that the same concept finds different expressions in different conditions. This largely explains the differences in energy security priorities and policies between different countries. Such differences emphasize, rather than negate, the need for conceptual clarity that can support sound policy analysis, international comparison, and learning.

It is worth considering as subjects of ensuring European energy security not only the states of geographical Europe, but also the states of other regions of the world, which, on the basis of international law, participate in the creation of systems for uninterrupted energy supplies to Europe.

The modern system of ensuring European energy security is based on the following basic principles:

- the principle of responsibility and interdependence of the consumer and supplier;
- the principle of supply diversification;
- the principle of unhindered transit;
- the principle of non-political nature of deliveries;
- the principle of state responsibility for the risks of its authorized entities;
- the principle of objective, reasonable and transparent tariff setting.

Energy supplies are subject to slightly different laws compared to other commodity markets. First, there is always the factor of difficulties in the substitutability of sources. For example, at present, natural gas is practically an alternative fuel in terms of profitability of production and return on use. Secondly, supplies are always tied to the appropriate infrastructure, and ignoring it makes moving very expensive, and therefore unprofitable.

A large range of fluctuations in energy prices can make it difficult or impossible for consumers to ensure the necessary volume of supplies, which, along with the lack of alternative energy types and methods of supply, can significantly threaten the energy security of the EU.

EU legal norms in the field of gas and electricity market liberalization play a supporting role in the legal provision of energy security of the European Union. Their importance is to consolidate the internal rules of fair and unhindered access to energy resources, either produced in the EU or imported into it. This makes it possible to avoid obvious and strong imbalances in the structure of energy supply of various member States, which ultimately contributes to improving the energy security of all members.

The analysis of modern international legal mechanisms for ensuring European energy security has shown their close interrelation and interdependence. It is significant that new agreements on the issues considered are most often concluded on the basis of other regional acts adopted earlier.

The early warning mechanism is one of the elements of the energy dialogue between the EU and Russia. This early warning mechanism is an important procedure whereby parties inform each other of short-or long-term risks to the security of supply or demand. Contact persons from both sides have been appointed, and the Mechanism has already proven its effectiveness. The formal nature of the Mechanism, including its exact format, content and organization, is included in the Memorandum on the Early Warning Mechanism.

Currently, the international legal framework for ensuring energy security through Russia-EU cooperation is very weak and largely declarative. The main reason for this is the desire of the European Union to conclude relevant international agreements with third countries that are not members of the EU, only on its own non-alternative terms. The latter, in turn, is caused by the

weak adaptation of the current EU domestic legislation in the field of energy to changes on mutually acceptable terms when concluding agreements with third countries.

The problems in the legal regulation of the Energy Community are presented, when for individual states the international legal sources are acts in the adoption of which they do not participate, and cannot affect their content, but are obliged to implement them in their national legislation.

Thus, this topic is relevant, since energy security is an integral part of the modern international security system.

**Recommendations:**

1. To provide in international legal acts the procedure for approving the "price corridor" for energy carriers between suppliers and consumers for a certain period, as well as the conditions and procedure for changing the previously established "price corridor".

2. In order to ensure effective protection of participants in energy security relations, it is necessary to develop a unified concept of energy security that will take into account both the interests of consumers and the interests of suppliers, since the economic comfort of the latter also affects the uninterrupted supply of energy carriers in the required volume. The development of such a concept involves a dialogue between suppliers and consumers in the global energy market, followed by the formal consolidation of the resulting definition.