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The EU as an External Energy Actor in Ukraine and Georgia

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Dijver 11 | BE-8000 Bruges, Belgium | Tel. +32 (0)50 477 251 | Fax +32 (0)50 477 250 |
E-mail info.ird@coleurope.eu | www.coleurope.eu/ird

About the Author

Marianna Skoczek-Wojciechowska holds an MA in EU International Relations and Diplomacy Studies from the College of Europe in Bruges. She had previously obtained an MA in European Affairs from Sciences Po Paris as well as a BA in Social Sciences and Humanities (major in History with a regional concentration on Central and Eastern Europe) from the Sciences Po Undergraduate College in Dijon and Trinity College Dublin, where she spent two semesters. Her research interests primarily relate to European and international energy and climate issues and the Eastern Partnership. She is currently working at the Polish Institute of International Affairs (PISM) in Warsaw as an energy and climate policy analyst. This paper is based on her Master's thesis at the College of Europe (Éliane Vogel-Polsky Promotion).

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Dijver 11 | BE-8000 Bruges, Belgium | Tel. +32 (0)50 477 251 | Fax +32 (0)50 477 250 | E-mail ird.info@coleurope.eu | www.coleurope.eu/ird

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Abstract

What kind of actor is the European Union (EU) in its energy relations with the Eastern neighbourhood? This question is central to the scholarly discussion on the EU's 'actorness' in external energy policy. This paper aims to empirically answer the research question based on the comparative analysis of two case studies, Ukraine and Georgia. The analytical framework is based on Herranz-Surrallés' distinction of three specific dimensions of EU external energy policy, namely 1) the external dimension of the EU's internal market; 2) energy security or foreign energy policy; and 3) the intersection between the goals of energy policy and other foreign-policy aims. Within those dimensions, the paper proposes to conceptualise the EU respectively as a liberal, a strategic or a green actor. While the EU has often been referred to as a liberal actor, this concept has been challenged by the return of power politics to the region, symbolised by the 'arc of instability' surrounding the Union and leading to a securitisation shift in energy policy. Another challenge stems from the EU's ambitious climate objectives. The selected case studies offer a testing ground to assess the securitisation shift's validity, extent, and nature and whether it had prompted the EU to adopt a more strategic posture in its external energy relations. The main finding indicates that the EU is still mainly behaving like a liberal actor also in the pursuit of its strategic and environmental objectives. Moreover, different types of actorness co-exist in Ukraine and in Georgia.

Introduction: The EU as the external energy actor

The Russian invasion of Ukraine on 24 February 2022 has put the European Union's (EU) energy policy to the test. It has acutely revealed the EU's heavy reliance on external (mainly Russian) energy supplies.¹ By exposing the EU's vulnerability to potential energy shortages, the crisis shows the interdependencies between the EU, its importers and transit countries, indicating that the EU energy policy is a transboundary challenge *par excellence*. Whereas the EU is currently engaged in a political debate that will reshape its energy policy both internally and externally, looking back at the past practice can contribute both to the academic and policy debate.

This paper aims to identify the nature of the EU's external energy actorness in its Eastern neighbourhood through a comparative discourse analysis of the EU strategic documents on Ukraine and Georgia. The study's timeframe will cover the period from the institutionalisation of the Eastern Partnership (EaP) in 2009 to the beginning of 2022.

EU energy policy has in recent years emerged as a priority area in the Eastern neighbourhood, where “energy is the [...] the only area that has generated a multilateral process for the sectoral integration of neighbouring countries into the EU's regulatory space – the Energy Community (EnC)”.² EU energy policy has also become increasingly multifaceted and complex.³ While the EU has traditionally been labelled as a liberal market actor, the EU's external engagement in energy has increasingly been seen in strategic terms.⁴ This shift can partly be attributed to the changes in the EU's security environment. Building upon this idea of an 'arc of instability' surrounding the Union, the most recent example of geopoliticisation of power relations became

¹ In 2021, the EU imported respectively 40% of its total gas consumption, 30% of oil and 46% of coal from Russia, with important variations among member states. Eurostat, “From where do we import energy”.

² Anna Herranz-Surrallés, “Energy Policy and European Union Politics”, in *Oxford Research Encyclopedia of Politics* (2019), 3. Established in 2005, EnC brings together the EU and its neighbours from South Eastern Europe and the Black Sea region to create an integrated pan-European energy market.

³ Anna Herranz-Surrallés, “An Emerging EU Energy Diplomacy? Discursive Shifts, Enduring Practices”, *Journal of European Public Policy* 23, no. 9 (2016), 1390.

⁴ Marco Siddi and Irina Kustova, “From a Liberal to a Strategic Actor: The Evolution of the EU's Approach to International Energy Governance”, *Journal of European Public Policy* 28, no. 7 (2021), 1077.

even more evident with what can be understood as a 'critical juncture' caused by the Russian military invasion of Ukraine in February 2022.⁵

Hence, the EU is entangled in the dynamics of global power shifts as it tries to position itself on the global stage.⁶ One of the dynamics relates to the energy transition. While it bears implications both in terms of the EU's energy security and its external energy strategy, the acknowledgement of the geopolitical dimension of climate change at the EU level is reflected by the policy planning and the developing pathways for upscaling low-carbon and renewable energy sources.⁷ Indeed, on the one hand, the European Green Deal's (EGD) objective is to secure the EU's leadership in pivotal green technologies, while at the same time promoting energy transitions globally. On the other hand, the EU aims to step up its existing bilateral and multilateral engagement with its partners, while also providing new avenues for cooperation.⁸

In light of the tightening of the energy-security-environment nexus, the EU's response to the identified challenge, crystallised in the EGD, and the scholarly debate around the EU's external energy policy, it is pertinent to study the underlying logic in which EU external energy policy is framed.⁹ This paper aims at analysing and understanding the motivations of the EU's external engagement on energy in its Eastern neighbourhood. This warrants the following question: what kind of actor is the EU when diffusing its energy agenda in its Eastern neighbourhood? The paper argues that the EU is still mainly behaving like a liberal actor also in the pursuit of its strategic and environmental objectives. Moreover, different types of actorness co-exist in Ukraine and in Georgia to varying degrees, with variation across the phases as well.

The paper is structured as follows. The analysis opens by briefly presenting the literature on EU external energy policy. This part will show the problem identified by some energy scholars, which consists of a "gap between the growing number of empirical research

⁵ The idea of the 'arc of instability' surrounding the EU was used in the executive summary of the EU Strategic Review in 2015. EEAS, *The European Union in a Changing Global Environment: A more Connected, Contested and Complex World*, Brussels, 2015. A similar idea of the 'ring of fire' surrounding Europe was introduced by Johannes Hahn, Commissioner for European Neighbourhood, *European Neighbourhood Policy reloaded*, Brussels, 2015.

⁶ EEAS, *Shared Vision, Common Action: A Stronger Europe: A Global Strategy for the European Union's Foreign and Security Policy*, Brussels, June 2016.

⁷ Sebastian Oberthür et al., *European Foreign Policy in a Decarbonising World: Challenges and Opportunities* (Abingdon: Routledge, 2021), 6.

⁸ European Commission, *The European Green Deal*, COM(2019) 640 final, Brussels, 11 December 2019, 6.

⁹ Explored notably in: Caroline Kuzemko, *The Energy Security-Climate Nexus: Institutional Change in the UK and Beyond* (London: Palgrave Macmillan, 2013).

and the poor conceptual development".¹⁰ It will then introduce the research design that will be used to identify the different types of EU external energy actorness in the selected EaP countries. The framework of analysis will be followed by the two parts analysing the case studies and a comparison of their findings. The paper ends with a set of conclusions, including theoretical and policy implications.

Analytical framework

Literature review

As suggested by Kustova, there are three main strands of literature related to EU energy policy.¹¹ They include *EU policy-making* dealing with the process of Europeanisation of national energy policies, *EU energy security* through European integration and *EU external energy policy* studying the EU's international actorness.¹² This section briefly presents the state of research within the third strand. For the purpose of this paper, the concept of EU actorness helps to address "the extent to which the EU has become an actor in global politics", its capacity to act and exert influence externally.¹³ It has been applied to external energy policy.¹⁴ Europeanisation can be defined as "a processes of construction, diffusion and initialisation 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 decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies".¹⁵ In the external context (including energy), exporting the EU *acquis* is a main instrument of Europeanisation.¹⁶

The EU has been conceptualised as a liberal actor, following the specific path dependence of the EU internal energy policy shaped around a liberal market model,

¹⁰ Andrea Prontera, *The New Politics of Energy Security in the European Union and Beyond: States, Markets, Institutions* (Abingdon: Routledge, 2017), 16.

¹¹ Irina Kustova, "Towards a Comprehensive Research Agenda on EU Energy Integration: Policy Making, Energy Security, and EU Energy Actorness", *Journal of European Integration* 39, no. 1 (2017), 96.

¹² *Ibid.*

¹³ Charlotte Bretherton and John Vogler, *The European Union as a Global Actor* (London: Routledge, 2006), 13.

¹⁴ Francesca Batzella, "Work in Progress: The Development of EU External Engagement on Energy", in *The European Union's Evolving External Engagement: Towards New Sectoral Diplomacies?*, eds. Chad Damro, Sieglinde Gstöhl and Simon Schunz (Abingdon: Routledge, 2018), 107–125.

¹⁵ Claudio Radaelli, "The Europeanisation of Public Policy", in *The Politics of Europeanisation*, eds. Kevin Featherstone and Claudio M. Radaelli (Oxford: Oxford University Press, 2003), 30.

¹⁶ Frank Schimmelfennig, "Europeanisation beyond Europe", *Living Reviews in European Governance* 10, no. 1 (2015), 5.

pursuing its objectives throughout the regulatory toolkit within the remit of the external energy governance.¹⁷ However, the debate on the EU external energy actorness was gradually termed in securitised terms. The securitisation of the European energy debate – understood as process whereby an issue becomes a matter of security concern, or in Wæver's term, an "existential threat" – resulted from the empirical developments and the polycrisis affecting the EU in the mid-2010s and, as such, is not inherent to energy policy alone.¹⁸ However, as noted by Herranz-Surrallés and Natorski, "energy is a particularly elusive policy domain, since it can theoretically be framed in almost all the sectors identified in securitisation studies (military, political, economic, societal and environmental)".¹⁹ According to Siddi, the securitisation of EU energy policy took place by linking energy trade to security relations with Russia.²⁰ Consequently, some scholars questioned the liberal-market actor paradigm. It was observed that the EU's internal market legislation was increasingly used to achieve strategic goals, for instance, by pursuing energy relations with Russia and Gazprom.²¹ Albeit, there were various interpretations of the shift toward securitisation among scholars. Siddi interpreted the shift away from the market-regulatory approach as an emergence of a 'geopolitical approach' at the EU level.²² At the same time, for Talus, it constituted a reflection of interventionist policy.²³ Moreover, in the same vein, Herranz-Surrallés proposed to theorise the shift under the remit of energy diplomacy.²⁴ In contrast, Prontera, in an effort to overcome the incoherence of the previous

¹⁷ Richard Youngs, "Foreign Policy and Energy Security: Markets, Pipelines, and Politics", in *Toward a Common European Union Energy Policy*, eds. Vicki L. Birchfield and John S. Duffield (New York, NY: Palgrave Macmillan, 2011), 51. See also Herranz-Surrallés, "The European Energy Policy", *op. cit.*, 134.

¹⁸ Quoted in Francis McGowan, "Putting energy insecurity into historical context: European responses to the energy crises of the 1970s and 2000s", *Geopolitics* 16, no. 3 (2011), 489.

¹⁹ Michał Natorski and Anna Herranz Surrallés, "Securitizing moves to nowhere? The framing of the European Union's energy policy", *Journal of Contemporary European Research* 4, no. 2 (2008), 75.

²⁰ Marco Siddi, "The EU's Botched Geopolitical Approach to External Energy Policy: The Case of the Southern Gas Corridor", *Geopolitics* 24, no. 1 (2019), 127.

²¹ Tim Boersma and Andreas Goldthau, "Wither the EU's Market Making Project in Energy: From Liberalization to Securitization?", in *Energy Union*, eds. Tim Boersma and Andreas Goldthau (London: Palgrave Macmillan, 2017), 110.

²² Marco Siddi, "The EU's Botched Geopolitical Approach", *op. cit.*, 126.

²³ Kim Talus, "European Union Energy: New Role for States and Markets", in *States and Markets in Hydrocarbon Sectors*, eds. Andrei V. Belyi and Kim Talus (London: Palgrave Macmillan, 2015), 198.

²⁴ Herranz-Surrallés, "An Emerging EU Energy Diplomacy?", *op. cit.*, 1387.

concepts, proposed a 'catalytic state' energy model.²⁵ This debate allowed a paradigm shift that led to conceptualising the EU's actorness in more strategic terms.

Goldthau and Sitter argued that the EU engagement in energy is gradually taking place in a 'grey zone', somewhere in between regulatory and geopolitical approaches.²⁶ In this regard, Herranz-Surrallés and Natorski claimed that a dichotomic "picture of markets versus geopolitics is also too one-dimensional, considering the greater worldwide prominence of other energy-related concerns such as combating climate change".²⁷

More recently, Kustova pointed out that research on EU energy actorness is crucial also from a normative perspective, as its "leadership as a rule- and norm-setter in energy markets appears increasingly contested both in rule export through the EnC and in broader regional (and global) energy governance".²⁸ Indeed, this raises a more fundamental question about the legitimacy of the EU's external engagement. Overall, however, with few positive exceptions, there seems to be a considerable scarcity of literature substantively dealing with the EU-Eastern neighbourhood energy cooperation which considers the triple dimensions of the EU energy external actorness.²⁹ Such a trend is striking because of the centrality, as mentioned above, of the energy dimension for the EU's cooperation with its Eastern neighbours. Hence, this study sets itself the ambitious task of contributing to bridge the research gap.

Methodology

The framework developed by Herranz-Surrallés seems of particular relevance because her "categorisation stresses the links between the internal and external dimensions of EU energy policy".³⁰ Hence, the main aim of this part is to operationalise the specific dimensions of the European external energy policy: (a) the external dimension of the internal energy market; (b) the energy security or foreign energy policy; and (c) the intersection between energy policy and other foreign policy aims.

²⁵ Andrea Prontera, "Beyond the Regulatory State: Rethinking Energy Security Governance and Politics in the European Union", *Comparative European Politics* 18, no. 3 (2020), 330-361.

²⁶ Svein S. Andersen, Andreas Goldthau and Nick Sitter, "Conclusions: Liberal Mercantilism", in *Energy Union: Europe's New Liberal Mercantilism?*, eds. Svein S. Andersen, Andreas Goldthau and Nick Sitter (London: Palgrave Macmillan, 2016), 238.

²⁷ Herranz-Surrallés, "The European Energy Policy Towards Eastern Neighbors", *op. cit.*, 134.

²⁸ Kustova, "Towards a Comprehensive Research Agenda", *op. cit.*, 100.

²⁹ See notably Herranz-Surrallés, "The European Energy Policy Towards Eastern Neighbors", *op. cit.*, 132-155.

³⁰ Francesca Batzella, *The Dynamics of EU External Energy Relations* (Abingdon: Routledge, 2018), 6-7.

First, the external dimension of the internal energy market is defined as “the EU’s activity aimed at the creation of a common energy regulatory space with third countries”.³¹ Thus, it encompasses the EU internal legislation, including an external dimension and initiatives “aiming at the creation of an integrated energy market with third countries (i.e. Energy Community Treaty (EnCT))”.³² Energy is understood as a commodity, and the EU’s energy policy aims to liberalise and de-monopolise the energy sector to manage interdependencies by establishing market rules. The European Commission acts as policy entrepreneur using the regulatory toolbox. It pursues this objective through the energy governance framework. An example can be found in regulatory approximation with third countries through the EnC. Within this dimension, the EU can be operationalised as a liberal actor. Goldthau and Sitter define a liberal actor as: “interpreting issues primarily in terms of trade rather than geopolitics, and employing policy tools designed to build and maintain open markets”.³³

Second, energy security or foreign energy policy provides a higher degree of political intervention and uses “foreign-policy means to gain access to energy resources and establish cooperation in the energy domain” through energy diplomacy.³⁴ The main objective is to ensure energy security, responding to the ‘securitisation turn’ in EU energy policy.³⁵ While traditionally the member states were playing the leading role within this dimension, the Commission has gradually established itself as a policy entrepreneur in its own right.³⁶ One notable example, which will be further analysed in a case study, was engaging in bilateral political negotiations concerning Georgia’s accession to EnC. Yet, the EU member states remain influential actors in this dimension. Given the ‘vertical blockades’ by some member states – such as Germany – which are *de facto* “reluctant to allow the EU to play a role on the issue”, the dimension of energy security or foreign energy policy is constrained by the internal divisions and the legal architecture provided by Article 194 TFEU.³⁷ Within this dimension, the EU is

³¹ Herranz-Surrallés, “European External Energy Policy: Governance, Diplomacy and Sustainability”, *op. cit.*, 914.

³² Batzella, *The Dynamics of EU External Energy*, *op. cit.*, 35.

³³ Andreas Goldthau and Nick Sitter, “A Liberal Actor in a Realist World? the Commission and the External Dimension of the Single Market for Energy”, *Journal of European Public Policy* 21, no. 10 (2014), 1454.

³⁴ Herranz-Surrallés, “European External Energy Policy: Governance, Diplomacy and Sustainability”, *op. cit.*, 915.

³⁵ Boersma, “Wither the EU’s Market Making Project”, *op. cit.*, 103.

³⁶ Simon Schunz and Chad Damro, “Expanding Actorness to Explain EU External Engagement in Originally Internal Policy Areas”, *Journal of European Public Policy* 27, no. 1 (2020), 136.

³⁷ Sebastiaan Princen, *Agenda Setting in the European Union* (Basingstoke: Palgrave Macmillan, 2009), 16; and Schunz and Damro, *op. cit.*, 136.

conceptualised as a strategic actor, understood as an actor “using various forms of power that are available in its toolkit for the pursuit of (geo)political goals”.³⁸

Third, the intersection between energy policy and other foreign policy aims refers to the “pressure to reconcile or achieve synergies between energy and broader foreign-policy aims, such as fighting climate change”.³⁹ The objective is to achieve the environmental sustainability of energy. Morata and Solorio Sandoval refer to this process as the ‘green’ Europeanisation of energy policies.⁴⁰ It consists of extrapolating the environmental concerns into energy policy, also serving, as observed by Kustova, as a basis for further communitarisation and EU external engagement.⁴¹ Within this dimension, I propose conceptualising the EU as a green actor.

Table 1 summarises the framework based on the literature review and provides a categorisation which allows to identify the EU respectively as a liberal, strategic or green actor. The second dimension ‘energy security or foreign energy policy’ is thereby linked to the concept of securitisation, as defined above.

Table 1: Dimensions and framings of the EU external energy policy

Dimension of EU external energy policy	External dimension of the internal energy market	Energy security or foreign energy policy	Intersection between energy policy and other foreign policy aims
<i>Framing of energy</i>	Energy as commodity	Energy as security	Energy as sustainability
<i>Rationale for the EU</i>	Extending the external dimension of the EU internal market; ensuring market completeness	Ensuring the security of supply; solidarity between member states	Ensuring environmental sustainability of energy policy
<i>Mechanisms</i>	Energy governance	Energy diplomacy	Integrating the environmental agenda into EU external energy policy; intersection of energy governance and energy diplomacy
<i>EU actorness</i>	Liberal actor	Strategic actor	Green actor

Sources: Author’s own elaboration based on Anna Herranz-Surrallés, “European External Energy Policy: Governance, Diplomacy and Sustainability”, in *The SAGE Handbook of European Foreign Policy*, eds. Knud Erik Jørgensen et al. (London: Sage Publications, 2015) 913-927; and Anna Herranz-Surrallés, “Energy Cooperation: The Leading Light of the Revised European Neighbourhood Policy? Drivers and Limits of the EU’s Functionalist Extension”, in *The Revised European Neighbourhood Policy*, eds. Bouris Dimitris and Tobias Schumacher (London: Palgrave Macmillan, 2017), 248.

³⁸ Siddi, “From a Liberal to a Strategic Actor”, *op. cit.*, 1078.

³⁹ Herranz-Surrallés, “European External Energy Policy: Governance, Diplomacy and Sustainability”, *op. cit.*, 915.

⁴⁰ Francesc Morata and Israel Solorio Sandoval, *European Energy Policy: An Environmental Approach* (Cheltenham: Edward Elgar Publishing, 2012), 107.

⁴¹ Kustova, “Towards a Comprehensive Research Agenda”, *op. cit.*, 97.

Drawing on Table 1, the following hypotheses will guide the analysis of the case studies:

(1) The more the EU is engaged in exporting its regulatory agenda to its neighbourhood, the more it is a liberal actor in energy policy (liberal actor hypothesis).

(2) The more the EU uses foreign policy tools, including energy diplomacy, to secure the energy supplies, the more it becomes a strategic actor (strategic actor hypothesis).

(3) The more the EU promotes decarbonisation and renewable energy, the more it is a green actor (green actor hypothesis). While the hypotheses are not mutually exclusive, this paper seeks to assess their relative importance in each case study.

Data

First, the primary data for the qualitative comparative analysis of the case studies include policy documents, declarations, and statements made by the EU and the Eastern Partnership countries concerned during the time period 2009-2022. The paper critically analyses the European Neighbourhood and Partnership Instrument (ENPI), the European Neighbourhood Instrument (ENI), Economic and Investment Plans (EIP), Neighbourhood Investment Facility (NIF), The European Fund for Sustainable Development (EFSD) as well as other financing instruments provided via the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD). The case studies are informed by the country reports provided by the Organisation for Economic Co-operation and Development (OECD), the International Energy Agency (IEA), and the EnC Implementing Reports. Second, the research draws on the literature on EU external action, external energy policy and the diffusion of EU sectoral policies in the neighbourhood. Third, the paper is completed by six semi-structured interviews with representatives and experts from the EU and its member states, the EnC Secretariat and the Energy Charter Treaty (ECT) Secretariat.

Case studies

Both Ukraine and Georgia were subject to political shifts in the early 2000s that largely influenced their position toward the EU. The tension between the development of European aspirations in Ukraine and Georgia and the mixed and non-linear record of democratisation in those countries, on the one hand, and Russia's growing revisionism toward its 'near abroad' on the other hand, both provide for a complex environment for the EU to navigate in.⁴² The case study countries share some characteristics and

⁴² Laure Delcour, *The EU and Russia in their 'Contested Neighbourhood': Multiple External Influences, Policy Transfer and Domestic Change* (London: Routledge, 2017), 23.

aspirations, but the geography offers an interesting and relevant proxy for a comparative analysis of the EU actorness in energy policy. Ukraine provides a pertinent case study for the analysis of the EU's external engagement in the energy domain, including for energy transition, as it is a key transit country for the EU's gas supply.⁴³ The Commission has also identified it as a priority partner for cooperation in the field of renewable energy sources, system integration, and hydrogen.⁴⁴ Concerning Georgia, located at a crossroad between Eastern Europe and Western Asia, the country plays a vital transit role for the region. It is targeted among other Caucasus countries by the EU as a key investment destination for renewable energy sources. The choice of two EaP countries with a solid European sentiment, including their European aspirations, warrants extracting the motivations of the EU regarding the promotion of its energy agenda. Both Ukraine and Georgia, experienced Russian attempts to exercise its influence in what it calls the 'near-abroad'. Indeed, the 2008 Russia invasion of Georgia set back the EU's influence in the Caucasus.⁴⁵ The EU was challenged again in 2014, in the context of signature of the Association Agreement with Ukraine, when Russia intervened militarily, annexing Crimea.

The timeframe chosen for the case studies is between 2009 and 2022. It provides a distinguishable starting point both for Ukraine and Georgia.⁴⁶ After launching the ENP in 2004 to prevent the emergence of the new dividing lines in Europe, the establishment of the EaP in 2009 constituted the EU's more specific response for six former Soviet countries, and energy cooperation was a central element thereof.⁴⁷ Moreover, 2009 is also the year of entry into force of the Treaty of Lisbon, which included for the first time an express legal basis for the EU policy on energy.⁴⁸ In the same year, the gas dispute between Russia and Ukraine acutely revealed the vulnerability of the EU's internal energy market, prompting the EU (both internally and

⁴³ While Ukrainian transit was decreasing even before the war, 41.6 billion cubic metres (bcm) of Russian gas was transported through Ukraine to Europe in 2021, compared to 56bcm in 2020 (which stands for -38% compared to 2019). Yet, the Ukrainian transit pipeline's designed excess capacity amounts to 146 bcm. Gas Transmission System Operator of Ukraine, *Gas transit to Europe*, 4 January 2021.

⁴⁴ European Commission, *Communication on a hydrogen strategy for a climate-neutral Europe*, COM(2020) 301 final, Brussels, 8 July, 19-20, 23.

⁴⁵ Samuel R. Schubert, Johannes Pollak and Marek Kreutler, *Energy Policy of the European Union* (London: Palgrave Macmillan, 2016), 215.

⁴⁶ Indeed, as it will be shown in the following analysis, the fact that Georgia joined the Energy Community only in 2017 is an important factor to take into consideration while analyzing the EU external energy actorness.

⁴⁷ Interview 3.

⁴⁸ European Union, "Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union of 13 December 2007", O.J., C115, 9 May 2008, art. 194.

externally) to take on energy security measures.⁴⁹ The timeframe under investigation ends in the beginning of 2022. After that point followed the run-up to the ultimate outbreak of war in Ukraine. Those events go beyond the scope of this research.

The EU's external energy engagement in Ukraine

The status of Ukraine as a priority partner for energy cooperation dates back to 2003, when the Council of the EU stressed the need for promoting its convergence with EU energy policy.⁵⁰ In December 2005, the Memorandum of Understanding (MoU) on Cooperation in the Field of Energy between the EU and Ukraine was signed. The MoU combined a regulatory approach with a security overtone by including a reference to enhancing “the energy security of the European continent”.⁵¹ However, in as much as the basis for the bilateral energy cooperation was laid down around the time of signing the MoU, both in regulatory and institutional terms, the decisive part of the process was triggered in the post-2009 gas crisis context.⁵²

2009-2014: energy security as a catalyst for reforms

At the beginning of 2009, Ukraine and the EU were confronted with yet another instance of a gas crisis provoked by Russia.⁵³ Subsequently, following the EU–Ukraine Joint Investment Conference on the modernisation of the Ukrainian gas transit system held in March 2009, in June 2009, an agreement was reached between the Commission and the International Financial Institutions (IFIs) regarding the international financial assistance for the Ukrainian gas system reform needed to ensure the sustainability, reliability, efficiency and transparency of this infrastructure. On this occasion, the EU Commissioner for Energy Andris Piebalgs noted that

“the gas dispute between Ukraine and Russia has only reconfirmed the *crucial role of Ukraine* in the EU's energy security. It has also underlined very clearly the need for ensuring safe, transparent and reliable transit through Ukraine for the stable supply of gas to the EU”.⁵⁴

⁴⁹ Batzella, *The Dynamics of EU External Energy*, *op. cit.*, 48.

⁵⁰ Council of the EU, *Relations with Ukraine – Presidency Work Plan on the Implementation of the Common Strategy of the EU on Ukraine*, 5408/03 Brussels, 17 January 2003, quoted in Herranz-Surrallés, “The European Energy Policy Towards Eastern Neighbors”, *op. cit.*, 136.

⁵¹ European Union and Ukraine, *Memorandum of Understanding on Cooperation in the Field of Energy Between the European Union and Ukraine*, December 2005, 7, quoted in Herranz-Surrallés, “The European Energy Policy Towards Eastern Neighbors”, *op. cit.*, 136.

⁵² Herranz-Surrallés, “The European Energy Policy Towards Eastern Neighbors”, *op. cit.*, 136-137.

⁵³ The first gas dispute happened in January 2006. See Jonathan Stern, “The Russian-Ukrainian gas crisis of January 2006”, *Oxford Institute of Energy Studies*, 16 January 2006.

⁵⁴ European Commission, *Commission and International Financial Institutions reach an agreement with Ukraine on reform of the Ukrainian gas sector*, Brussels, 31 July 2009 (emphasis added).

While energy security was one of the themes of the conference, the occasion was also used to underline the broader market objectives of converging the Ukrainian energy market with the European one, including through partial legal approximation (especially with the EU gas market *acquis*) in light of negotiating Ukraine's accession to the EnC.

Based on the agreement found in spring 2009, the bilateral cooperation under the ENPI and the NIF between 2009 and 2013 promoted projects framed in energy efficiency terms in both instruments.⁵⁵ However, energy efficiency often went hand-in-hand with energy security, as seemingly two self-reinforcing components. Thus, energy security concerns opened the way for a much-extended scope of energy cooperation between the EU and Ukraine. The details of the five energy-related projects approved under the NIF for Ukraine show that priority was given to the projects fulfilling the energy security and energy efficiency objectives. Therefore, after the review of the leading financial instruments, it can be deduced that in terms of infrastructure, the EU was promoting two goals related to strategic actorness on the one hand, and on the other hand, efficiency, which contributes both to security and energy sustainability to a certain extent.

This empirical finding is in line with the secondary literature. Herranz-Surrallés and Natorki observed that "energy security considerations seem to have been a *positive catalyst* for widening and deepening cooperation in the other energy domains" in EU-Ukraine energy cooperation at the end of the 2000s.⁵⁶ Indeed, it can be argued that the shock caused by the 2009 gas crisis in Ukraine triggered a first breakthrough for widening the cooperation, including renewables and energy efficiency.

In turn, at the regional level, the Eastern Partnership gathered the EU and the Eastern members of the ENP, with energy cooperation as one of its four priority areas. Within the EaP framework, the dimension of security of supply was central, which is apparent from the EU documents.⁵⁷ The emphasis on developing the external dimension of EU

⁵⁵ Based on Herranz-Surrallés, "The European Energy Policy Towards Eastern Neighbors", *op. cit.*, 138, and own elaboration based on the ENPI Bilateral Annual Action Programmes (2009–13) and European Commission, *NIF Activity Report (2008-2012)*, EuropeAid Development and Cooperation Directorate-General, Brussels 2013.

⁵⁶ Herranz-Surrallés, "The European Energy Policy Towards Eastern Neighbors", *op. cit.*, 137 (emphasis added).

⁵⁷ European Commission, *Communication to the European Parliament and the Council on the Eastern Partnership*, COM(2008) 823 final, Brussel, 3 December 2008. Notably, the passage that mentions that "the Eastern Partnership will aim to strengthen the energy security of the EU and of the partners with regard to long-term energy supply and transit", 8.

energy policy was put forward in the Europe 2020 strategy, presented as a strategy for growth not only for the EU but targeting also “candidate countries and our neighbourhood and better help anchor their own reform efforts”.⁵⁸ On this point, Herranz-Surrallés and Natorski noted that the “cooperation established in energy security has also taken the form of Europeanization, namely by extending the EU's internal *acquis* on the security of energy supplies”.⁵⁹ Therefore, the energy security agenda identified in the analytical framework as pointing towards the EU strategic actorness hypothesis was also a ground for extending the EU's regulatory space – remit of the liberal actor hypothesis – towards its Eastern neighbourhood.

Furthermore, as provided by the 2005 MoU, one of the priorities for Ukraine was to join the EnCT, to which Ukraine had observer status since 2006. Ukraine became a full member of the EnC in February 2011. The EnCT covers broad blocs of the EU internal energy *acquis*, including electricity and gas, with rules for internal markets, access to networks, cross-border exchanges and security measures; renewable energy promotion; energy efficiency measures; oil, with a provision for maintaining minimum stocks; and the environment. Notably, the EnC Secretariat provides technical assistance for the process of implementation and the supervision mechanism.

While for the EU, the rationale behind the EnC is to create an integrated and secure framework for cooperation and investments, for Ukraine, the EnC was seen in much more political terms as a ‘waiting room’ for EU membership.⁶⁰ However, the implementation record of the first period was incomplete, leading to a phenomenon that Wolczuk called ‘declarative Europeanisation’.⁶¹ Hence, from its accession up until 2014, Ukrainian compliance with the EU energy *acquis* was one of the lowest of the EnC contracting parties, with the persistence of selective implementation and lack of transparency.⁶² Overall, in this period there was no breakthrough in reforms in the energy sector, and some argued that Ukraine under the Yanukovych government was procrastinating while performing its EnC commitments.⁶³

⁵⁸ European Commission, *Europe 2020: A strategy for smart, sustainable and inclusive growth*, COM(2010) 2020, Brussels, 3 March 2010, 21.

⁵⁹ Herranz-Surrallés, “The European Energy Policy Towards Eastern Neighbors”, *op. cit.*, 152.

⁶⁰ Interviews 1 and 4.

⁶¹ Katarzyna Wolczuk, *Ukraine's Policy Towards the European Union: A Case of 'Declarative Europeanization'*, Robert Schuman Centre for Advanced Studies (Florence: European University Institute, 2003).

⁶² EnC Secretariat, *Annual implementation report* (Vienna: Energy Community, 2014). No longer available online. Quoted in Herranz-Surrallés, “Energy Cooperation: The Leading Light”, *op. cit.*, 249.

⁶³ Dixi Group, *Ukraine and the Energy Community: Still does not fit* (Kyiv: Dixi Group, 2014), 9.

2014-2022: Ukraine as a test case for energy cooperation

The Association Agreement (AA) between the EU and Ukraine signed in 2014, which includes a Deep and Comprehensive Free Trade Area (DCFTA), offered additional incentives for Ukraine to implement and apply the EU energy *acquis*.⁶⁴ To date, the AA/DCFTA is considered "the most ambitious agreement the EU has ever offered to non-member states".⁶⁵ Under Article 337 of the AA,⁶⁶ the objectives of energy cooperation include:

"energy security, competitiveness and sustainability, which is crucial for the promotion of economic growth and to making progress towards market integration, including through gradual approximation in the energy sector and through participation in regional energy cooperation".⁶⁷

The annexation of Crimea by Russia in March 2014 and the following Russian military intervention in Eastern Ukraine appear as a breakthrough moment in EU-Ukraine relations, including its energy dimension. Whereas in previous years, the political will was sometimes missing in Ukraine, the need to synchronise the EU-Ukraine energy market became very clear after 2014.⁶⁸ In the spring of 2014, Slovakia and Ukraine signed the agreement leading to the possibility of reverse gas flows, which became operational in the autumn of the same year. The Vojany-Uzhgorod interconnector allowed Ukraine to stop direct imports from Russia in 2016. Moreover, a new virtual gas reverse flow between Ukraine and Poland was opened in 2020. As a result, Ukraine could get most of its gas from the EU, even though it was essentially Russian gas flowing back East.⁶⁹

For Ukraine, being part of the Energy Union by integrating into the EU market was not seen as a purely technical matter.⁷⁰ This view stated by an interviewee finds

⁶⁴ Roman Petrov, "Applying the European Union's 'Energy Acquis' in Eastern Neighbourhood Countries", in *The Energy Community: A New Energy Governance System*, eds. Dirk Buschle and Kim Talus (Cambridge: Intersentia, 2015), 496.

⁶⁵ Guillaume Van der Loo, "The Institutional Framework of the Eastern Partnership Association Agreements and the Deep and Comprehensive Free Trade Areas", in *The Proliferation of Privileged Partnerships between the European Union and its Neighbours*, eds. Sieglinde Gstöhl and David Phinnemore (London: Routledge, 2019), 102.

⁶⁶ Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, O.J. 2014 L 161/3. Title V.

⁶⁷ Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, O.J. 2014 L 161/3. Title V.

⁶⁸ Interviews 2 and 5.

⁶⁹ Mario Damen, *Diversifying Unity: How Eastern Partnership Countries Develop their Economy, Governance and Identity in a Geopolitical Context* (Brussels: DG EXPO, 2019), 24.

⁷⁰ Interview 5.

confirmation in the literature.⁷¹ According to Herranz-Surrallés, “the changes of government in Moldova and Ukraine (in April 2013 and February 2014 respectively) and the convoluted context created after Russia’s annexation of Crimea appear as a *catalyst of a more principled compliance with the EnC*”.⁷² Synchronising with the EU energy market was also a political declaration of adherence to European values.⁷³

In this context, the EU responded with a specific tool to provide additional support to Ukraine’s political and economic reforms. The Support Group of Ukraine (SGUA) was created in April 2014. Precisely, the SGUA Task Force’s mandate was to assist Ukraine in the implementation of the AA/DCFTA.⁷⁴ Within SGUA, a thematic group on energy and climate was created. Together with the EnC Secretariat, SGUA was involved closely with Ukrainian lawmakers in the exercise of reforming the Ukrainian energy market. It was a period where the EU seized the opportunity to push for as many reforms as possible because the political will was strong on the Ukrainian side.⁷⁵

Also, at the political level, the Commission pushed for strengthening energy security with the new energy resilience strategy under the Energy Union, making essential linkages between the internal and external dimensions of the energy policy framework on the one hand and the environmental goals on the other hand.⁷⁶ In the “Framework Strategy for a Resilient Energy Union”, the Commission put forward the external dimensions of internal objectives, including security, market integration, energy efficiency, decarbonisation and technology.⁷⁷

Additionally, the EU Global Strategy of June 2016 included references to climate protection and energy security as priority issues for the European External Action Service (EEAS), both in the EU actions in its closest neighbourhood and in the regional and global frameworks.⁷⁸ In 2015 the Council conclusions on the “EU Energy Diplomacy Action Plan” supported the need for “coherent EU foreign and energy

⁷¹ Elena Rybak, “Energy Community: What does it Mean for Ukraine?”, in *The Energy Community: A New Energy Governance System*, eds. Dirk Buschle and Kim Talus (Cambridge: Intersentia, 2015), 434.

⁷² Herranz-Surrallés, “Energy Cooperation: The Leading Light”, *op. cit.*, 250 (emphasis added).

⁷³ Interviews 4 and 5.

⁷⁴ European Commission, *European Neighborhood Policy: Ukraine*.

⁷⁵ Interview 5.

⁷⁶ European Commission, *A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy*, COM(2015) 80 final, Brussels, 25 February 2015.

⁷⁷ *Ibid.*

⁷⁸ EEAS, *Shared Vision, Common Action: A Stronger Europe: A Global Strategy for the European Union’s Foreign and Security Policy*, Brussels, June 2016, 22–23.

policy action, taking into account geopolitical developments".⁷⁹ In the same year, the EU and Ukraine updated the MoU on energy cooperation.⁸⁰

Upgrading the MoU from Cooperation in the Field of Energy to the Strategic Cooperation Partnership was a strong political signal to Ukraine and arguably also to Russia. The new MoU was framed mainly around "energy security, solidarity and trust", putting forward the need to harmonise the Ukrainian energy market. In this regard, the implementation of unbundling in conformity with the EU's Third Energy Package, initiated with the signature of the AA, was of particular importance.

Recent developments and results

While Ukraine represents the biggest gas market of the EnC countries, since 2014, in many respects, it has appeared as a champion in the implementation of the EnCT.⁸¹ The energy agenda remains a crucial part of the EU-Ukraine energy relationship, with new avenues for cooperation opening up. For instance, after the announcement of the EGD, a high-level dialogue, both technical and political, took off.⁸² The EU also identified Ukraine as a priority partner in its hydrogen strategy revealed in 2020.⁸³ Accordingly, Ukraine would become, next to the Southern neighbourhood, the hub for the production of green hydrogen. It is interesting to note that the Commission identified the mechanism of building hydrogen cooperation as 'energy cooperation and diplomacy'.⁸⁴ Hence, it seems that the EU's most recent engagement in external energy policy toward Ukraine builds upon all the dimensions of the EU energy actorness as identified in the analytical framework. On this point, there is a caveat: while the promotion of hydrogen fosters green actorness as an overarching objective, it is also pursued for the sake of stronger strategic actorness, contributing to the attainment of energy independence.

Turning to the hypotheses, it appears that the liberal actor hypothesis is the most accurate depiction of the EU external energy actorness towards Ukraine in the discussed period. Yet, the liberal actor hypothesis coexisted with the strategic actor hypothesis, as the EU identified strategic objectives (i.e. energy security) and used a

⁷⁹ Council of the EU, *Conclusions on Energy Diplomacy*, Brussels, 20 July 2015, 2.

⁸⁰ European Union and Ukraine, *Memorandum of Understanding on Strategic Energy Partnership Between the European Union and Ukraine*, Brussels, 24 November 2016, 7.

⁸¹ Interview 1.

⁸² Interview 3.

⁸³ European Commission, *Communication on a hydrogen strategy for a climate-neutral Europe*, COM(2020) 301 final, Brussels, 8 July 2020, 19-20, 23.

⁸⁴ *Ibid.*, 20.

diplomatic toolkit to secure them. The EU was also using its regulatory and environmental toolkit to achieve the strategic objectives. The regulatory convergence with the EU internal energy market also contributed to achieving security of supply for both the EU and Ukraine. Moreover, the example of hydrogen reveals that EU energy actorness towards Ukraine is increasingly multifaceted and pursues multiple objectives. In this context, the different types of actorness allow to achieve different goals.

The EU's external energy engagement in Georgia

Turning to the case of EU-Georgia energy cooperation, it is first worth noting that while Georgia's energy sector is primarily perceived in geopolitical terms, the situation of the Georgian energy market differs compared to Ukraine.⁸⁵ In fact, Georgia does not share a land border with the EU. As a result, up until today, there is no direct interconnection with any EU or EnC country.⁸⁶ Moreover, Georgia has significant potential in hydroelectric power, which is the base for power generation in the country.⁸⁷ The end of 2006 brought a Russo-Georgian dispute over the drastic gas price increases by Gazprom. Given the security considerations, Georgia has sought to diversify away from Russian oil and gas in the last two decades, primarily by investing in gas pipeline connections with Azerbaijan, thus making Georgia a key energy transit hub in the Caucasus region.⁸⁸ Indeed, through the Baku-Tbilisi-Ceyhan (BTC) pipeline, Georgia is located in the oil corridor between Azerbaijan and Turkey. Parallel to the BTC runs the South Caucasus Pipeline (SCP), which brings Azerbaijani Shah Deniz gas to Turkey and is part of the Southern Gas Corridor (SGC) that connects to the EU through the Trans Adriatic Pipeline (TAP). Moreover, Georgia is a key country in the planned White Stream Pipeline which would connect Georgia with Romania under the Black Sea, bringing more gas from Turkmenistan and Azerbaijan into Europe.

2009-2014: From the EaP to Association Agreements

The proposal to strengthen the Eastern dimension of the ENP was a response to the growing instability in the region following the Russo-Georgian war of 2008. The EaP was

⁸⁵ Michael Emerson and Tamara Kovziridze, *Deepening EU-Georgian Relations: What, Why and how?* (Brussels: CEPS, 2016), 127.

⁸⁶ EnC Secretariat, *Georgia Annual Implementation Report*, Vienna, 1 November 2021, 3.

⁸⁷ Georgia's energy mix in 2019 was comprised of natural gas (45.4%), oil (27%), renewables (20.4%) and coal (4.7%). Yet, nearly 75% of Georgia's electricity generation comes from hydro production (75.3% in 2019), which makes the share of renewables in the electricity mix one of the highest in the world. IEA, *Georgia Energy Profile 2020*, Paris, 2021.

⁸⁸ Damen, *op. cit.*, 24.

designed as a political forum of rather soft law instruments.⁸⁹ However, in an effort to diversify its gas supplies from Russia, the EU actively engaged in political and diplomatic backing of the SGC.

There are fewer strategic communications dealing separately with Georgia and the EU rather advocates for a regional policy approach to the South Caucasus and Black Sea region covering Armenia, Azerbaijan and Georgia. For instance, the European Parliament's resolution of 2010:

"Notes the *strategic geopolitical location* of the South Caucasus and its increasing importance as an energy [...] corridor connecting the Caspian region and Central Asia with Europe; [...] welcomes the readiness of Azerbaijan and Georgia to further play an active role in the *promotion of market-based energy supply and transit diversification in the region*".⁹⁰

In the Commission's Country Strategy Paper for the ENPI 2007-2013 regarding Georgia, elaborated in 2005, energy priorities included mainly security and diversification, stressing the importance of Georgia as a transit country for oil and gas from the Caspian basin, which the Commission had identified as a strategic alternative energy corridor.⁹¹ It is crucial to note that the focus on the BTC oil pipeline and the Baku-Tbilisi-Erzurum (BTE) gas pipeline (Georgian part of the SGC), connecting the Caspian Basin with Turkey through Georgia, was a timely element of discussions about the SGC and Nabucco pipeline, in particular, both supported by the Commission, but of which the latter ultimately failed in 2013.⁹² This is why the assistance designed under the ENPI Country Strategy in 2005 put forward a strong emphasis on "encouraging the development of diversified infrastructure connected to the development of Caspian energy resources and their transit".⁹³ However, while discussing the sectors and conditions for EU financing by blending grants and loans, the strategy stated that priority would be given to the broad category of projects related to energy efficiency

⁸⁹ Irakli Samkharadze, "Europeanization of Energy Law and Policy Beyond the Member States: The Case of Georgia", *Energy Policy* 130 (2019), 4.

⁹⁰ European Parliament, "Resolution (EU) 2009/2216(INI) of 20 May 2010 on the need for an EU strategy for the South Caucasus", *O.J.*, C 161 E, 31 May 2011, 142-143 (emphasis added).

⁹¹ European Commission, "ENPI Country Strategy Paper: Georgia (2007-2013)", 7.

⁹² The Nabucco pipeline was supposed to transport Iranian gas to the EU via Turkey. The project was abandoned as it became economically unviable after the UN Security Council imposed sanctions on Teheran. An extension was supposed to link BTE to Nabucco in Erzurum.

⁹³ European Commission, "ENPI Country Strategy Paper: Georgia (2007-2013)", 22.

and renewable energy, while infrastructure projects would be supported if they participated in achieving the EU's own energy security.⁹⁴

The Black Sea Synergy launched in 2007 overall faced a rather low prioritisation and achieved only limited results.⁹⁵ That is why already in 2011 some analysts advocated that the European engagement in the region “can only be successful by closely linking development aid with energy and security policy”.⁹⁶ However, the EU's engagement in favour of the SGC presents a feature of its strategic approach. Siddi argued that by backing the SGC, the EU tried to weaken and balance other actors, particularly Russia.⁹⁷ Moreover, the EU presented the SGC not only as an energy diversification project but also as a political endeavour for tightening the EU ties with the region. In this regard, the High Representative / Vice President (HR/VP) Federica Mogherini's position embodies the EU's strategic perception of the SGC:

“The SGC is more than energy diversification and EU energy security for us. It is also about *enlarging and deepening political, economic and social ties* with a number of partners in a wider region that can contribute to its implementation: Azerbaijan, Georgia, Turkey, Albania [...] We need an all-round strategic partnership between us”.⁹⁸

According to the priorities defined in the policy framework, the EU supported some energy projects under the Neighbourhood Investment Facility, in support of receiving loans from the IFIs. The NIF complemented the EU support with a strong thematic and regional focus. The EBRD was the biggest investor, with energy projects constituting a maximum contribution. ⁹⁹ The analysis of investment projects related to energy between 2008 and 2012 under the NIF shows that both projects of regional importance (e.g. Energy Transition System) and renewable energy capacity (the Enguri hydropower plant) were supported.¹⁰⁰

⁹⁴ *Ibid.*, 24.

⁹⁵ Laure Delcour and Panagiota Manoli, *The EU's Black Sea Synergy: Results and Possible Ways Forward* (Brussels: EPRS: European Parliamentary Research Service, 2010), 4.

See also HR/VP, *Joint Staff Working Document: Black Sea Synergy: review of a regional cooperation initiative - period 2015-2018*, SWD(2019) 100 final, Brussels, 5 March 2019.

⁹⁶ Meister, *op. cit.*

⁹⁷ Siddi, “The EU's Botched Geopolitical Approach”, *op. cit.*, 130.

⁹⁸ Remarks by the High Representative/Vice-President Federica Mogherini at the Southern Gas Corridor Advisory Council, 29 February 2016. Quoted in Siddi, “The EU's Botched Geopolitical Approach”, *op. cit.*, 130 (emphasis added).

⁹⁹ Emerson, *Deepening EU–Georgian Relations*, *op. cit.*, 109.

¹⁰⁰ Based on Herranz-Surrallés, “The European Energy Policy Towards Eastern Neighbors”, *op. cit.*, 139, and own elaboration based on European Commission, *EuropeAid Development and Cooperation Directorate-General, NIF Activity Report 2008–2012*, Brussels 2013, 27.

2014-2022: Association Agreement and way forward

The AA/DCFTA between the EU and Georgia was signed in 2014 and entered into force in 2016.¹⁰¹ Energy is covered under the DCFTA which deals with the trade-related aspects and broader cooperation on energy. In both parts, the issue of Georgian accession to the EnCT is covered.¹⁰² Title VI Chapter 2 of the EU-Georgia AA covers sectoral cooperation in the domain of energy, setting the same conditions as the EU-Ukraine AA. Therefore Article 297 stipulates that:

“The cooperation should be based on the principles of partnership, mutual interest, transparency and predictability and shall aim at market integration and regulatory convergence in the energy sector, taking into account the need to ensure access to secure, environmentally friendly and affordable energy”.¹⁰³

Yet, interestingly there is no specific mention of intensifying the current cooperation on energy as in the case of the EU-Ukraine AA. Article 298 sets the grounds for cooperation based on vast areas of interest, covering regulatory issues, sustainability and energy efficiency. Energy security was addressed together with further market integration.¹⁰⁴ Thus, contrary to the case of Ukraine, it seems that the issue of energy security attracted less attention among the areas covered by energy cooperation. Furthermore, Article 300 spells out the conditions for a gradual legal approximation with the EU internal energy *acquis* and further specifies legislation concerned together with specific timetables in Annex XXV. Interestingly, given Georgia's geographical location, as it is isolated from the rest of the the EU energy market, it was granted derogations under the EU's Third Energy Directive.¹⁰⁵ The EU member states covered by Article 49 of the Third Energy Directive include Cyprus, Latvia, Estonia and Finland. As Emerson and Kovziridze argued, strategic importance was given to the EU's long-

¹⁰¹ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, O.J., 2014, L 261.

¹⁰² Emerson, *Deepening EU–Georgian Relations*, *op. cit.*, 127.

¹⁰³ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, O.J., 2014, L 261. Article 297.

¹⁰⁴ Article 298 (f) “enhancement of security of energy supply, increasing market integration and gradual regulatory approximation towards key elements of the EU *acquis*”. Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, O.J., 2014, L 261. Article 298.

¹⁰⁵ Art. 49 of the Directive 2009/73/EC, Third Energy Package, as follows: the Member States not directly connected to the interconnected system of any other Member State and having only one main external supplier may derogate from Articles 4 (Authorization), 9 (Unbundling), 37 (Market Opening) and/or 38 (Direct Lines).

term energy-saving, notably on the energy performance of buildings and energy end-use efficiency, therefore confirming the previously identified trends.¹⁰⁶

In the ENI for the period 2014-2016, which replaced the ENPI, there was no mention of the strategic role of the alternative route involving Georgia. However, in the Association Implementation Report on Georgia of 2017, the Commission briefly mentioned that “the expansion of the South Caucasus pipeline, part of the SGC passing through Georgia, is nearing completion”, revealingly – without mentioning it – its strategic role in the EU's alternative transit routes.¹⁰⁷ This could be linked to the fact that, fundamentally, the EU lacks an extensive concept for the Southern Caucasus, including for energy cooperation.¹⁰⁸ Moreover, according to the renewed programming of the ENI under the Single Support Framework for the period 2017-2020, the sector ‘connectivity, energy efficiency, environment and climate change’ was allocated an amount between 55.65 million and 67.95 million €, which constituted 15% of the overall support.¹⁰⁹ Within this support, as defined in the ENI 2017-2020, energy efficiency and energy sustainability ranked high among the priorities. Indeed, while the document mentioned energy security only briefly in the specific objectives part, the main focus is on market reforms and increasing renewable energy sources, together with energy efficiency solutions. This last issue was noted as the underperforming element of the previous frameworks. Thus, the recommendations included enhancing the implementation of Georgian commitments under the AA, the EnCT, and the Paris Agreement.¹¹⁰

The formal negotiations on Georgian accession to EnC were launched in Tbilisi in February 2014. In the statement following the opening of the negotiations Energy Commissioner Günther Oettinger said that: “joining the Energy Community will attract investments into Georgia and bring Georgian citizens and businesses closer to the other members of the Energy Community and the European Union”.¹¹¹ Similarly,

¹⁰⁶ See the Directive on the energy performance of buildings (2002/91/EC), subsequently replaced by Directive 2010/31/EU; the Directive on energy end-use efficiency (2006/32/EC), subsequently replaced by Directive 2012/27/EU.

¹⁰⁷ HR/VP, *Joint Staff Working Document, Association Implementation Report on Georgia of 2017*, Brussels, 9 November 2017, SWD(2017) 371 final, 13.

¹⁰⁸ Stefan Meister and Marcel Viëtor, “The Southern Gas Corridor and the South Caucasus”, in *South Caucasus: 20 Years of Independence* (Berlin: Friedrich-Ebert-Stiftung, 2011), 335-353.

¹⁰⁹ European Commission, *European Neighbourhood Instrument (ENI) under the Single Support Framework for EU support to Georgia (2017-2020)*, 7.

¹¹⁰ European Commission, *European Neighbourhood Instrument (ENI) under the Single Support Framework for EU support to Georgia (2017-2020)*, 5.

¹¹¹ EnC, *European Commission launches negotiations with Georgia to join the Energy Community*, 20 February 2014.

the Director of the EnC Secretariat, Janez Kopač, insisted that EnC membership is a tool for reforms in the energy sector and increased sustainable investments.¹¹² It is interesting to note that in the statement opening the negotiating process, the issue of energy security was virtually absent. Yet, contrary to expectations, the negotiation process of 'hard law' instruments turned out to be lengthy.¹¹³ Specifically, the issue of Georgia's geographical location, with no direct connection to the EU energy market, served as basis for the political involvement from the Commission. For the EU, the EnC, an example of the 'legally binding sectoral multilateralism', is the basis for the external dimension of its energy policy in the neighbourhood. At the same time, for Georgia, it is a tool for modernising its energy sector.¹¹⁴ In this sense, the EnC accession was intended to accelerate and push forward the process initiated with the AA.

Georgia's accession to the EnC also raised the question of compatibility between the co-existing projects of the EnC and the Eurasian Economic Union (EEU). For instance, Armenia has an observer status in the EnC but is a member of the EEU since 2015. On the one hand, Kustova observed that both projects "create market-oriented legal frameworks that aim for the further regionalisation and liberalisation of domestic electricity markets".¹¹⁵ On the other hand, the regional co-existence of the EnC and EEU also raises the question of possible competition between the two organisations, with adverse effects such as a regional market fragmentation and politicisation of the regulatory approximation, resulting in a destabilisation of the regional energy security.

Recent developments and results

It can be concluded that Georgia is less prominent on the priority list of the EU's external energy policy. For instance, Georgia does not have a specific mention in the 2015 Commission communication on "A Framework Strategy for a Resilient Energy Union". Instead, Georgia is covered with reference to closer market integration and incentivising investments together with the other ENP countries.¹¹⁶ Hence, compared

¹¹² *Ibid.*

¹¹³ Indeed, according to the statements made by Commissioner Oettinger, Georgia was meant to become a full member of the EnC by the end of the Commission's term in October 2014.

¹¹⁴ Steven Blockmans and Bart Van Vooren, "Revitalizing the European 'Neighbourhood Economic Community': The Case for Legally Binding Sectoral Multilateralism", *European Foreign Affairs Review* 17, no. 4 (2012), 577-604.

¹¹⁵ Irina Kustova, "Regional Energy Security and Integration of Electricity Markets in the South Caucasus", *Caucasus International* 6, no. 2 (2016), 174.

¹¹⁶ European Commission, *A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy*, COM(2015) 80 final, Brussels, 25 February 2015, 7.

to Ukraine, the stronger emphasis on the regional dimension suggests that for the EU, the energy relations with Georgia are considered in the broader Southern Caucasian perspective.

Turning to the most recent developments, the post-2020 EaP priorities for Georgia include connectivity, notably the Black Sea fibre optic cable initiative.¹¹⁷ The Economic and Investment Plan (EIP) flagship initiatives for Georgia focus on connectivity, mainly in the area of transport and digital, whereas energy interconnectivity is promoted through technical assistance. Concretely, in 2022 the Commission launched a technical and economic feasibility study for deploying a submarine electricity cable under the Black Sea between Georgia and the EU. The project is presented under the security of supply framework and will benefit from an estimated investment of 25 million €.¹¹⁸

Returning to the hypotheses, Georgia's case seems to confirm the finding for Ukraine that the EU external energy actorness is multifaceted. On the one hand, in compliance with the liberal actor hypothesis, the EU invested in advancing its regulatory space with Georgia through the signing of the AA/DCTFA and conducting lengthy and politically demanding negotiations on Georgia's accession to the EnC. Within this dimension, the EU also channelled its environmental objectives of promoting renewable energy projects and legal approximation in the area of energy efficiency standards, which responds to the premise of the green actor hypothesis. On the other hand, the period exhibits elements of EU strategic actorness, notably regarding the diplomatic involvement in the SGC project. However, the assessment of the strategic actorness in the case of the Southern Caucasus is mixed. In fact, the EU lacks a clear strategy towards the region, therefore missing what Siddi considers as the "political clout to influence developments towards the fulfilment of its geopolitical goals".¹¹⁹ As a result, one of the adverse implications of the EU's engagement could be steering mistrust, exclusion, and vulnerabilities of partner countries in the volatile regional environment.

¹¹⁷ European Commission, *The EU's new investment plan for the Eastern partners*, 25 November 2021.

¹¹⁸ *Ibid.*

¹¹⁹ Siddi, "The EU's Botched Geopolitical Approach", *op. cit.*, 126.

Comparative assessment: What kind of energy actor is the EU in the Eastern neighbourhood?

This section briefly compares the results of the two case studies. Table 2 contrasts the details of the NIF annual reports and the European Fund for Sustainable Development (EFSD) between 2008 and 2022 for energy-related projects in Ukraine and Georgia. It shows that overall, the EU supported more projects in Ukraine than in Georgia and that the average cost of one Ukrainian project was more than two times bigger than in the case of Georgia. This can serve as an indicator of the greater EU engagement in energy cooperation with Ukraine compared to Georgia. As such, this finding is not surprising nor unusual. Ukraine has a bigger energy market with more connections to the EU, be it through direct infrastructural links or the volume of the transit capacities.

Table 2: The NIF and the EFSD Projects 2008-2022 in Ukraine and Georgia

Year	Ukraine	Georgia
2008	Ukrenergo Corporate Sustainable Development Lead EBRD, EIB Total 301.3 € NIF 0.9 € Type technical assistance	2008 Black Sea Energy Transmission System Lead Kreditanstalt für Wiederaufbau (KfW), EIB, EBRD Total 280.0 € NIF 9.3 € Type technical assistance
2009	Ukraine Power Transmission Network Lead EBRD, EIB Total 1110.0 € NIF 10.3 € Type technical assistance	-
	Hydropower rehabilitation project Lead EBRD, EIB Total 398.6 € NIF 3.8 € Type technical assistance	
2010	Preparatory studies for modernisation of UA gas transit and storage Lead EBRD, EIB Total 2000.0 € NIF 2.7 € Type technical assistance	2010 Enguri / Vardnili Hydro Power Cascade Rehabilitation Lead EBRD, EIB Total 47.0 € NIF 5.2 € Type grant/technical assistance
2011	Power Transmission Efficiency Project Lead KfW Total 78.3 € NIF 1.9 € Type technical assistance	-
2012	-	-
2013	-	Jvari-Khorga Interconnection (Transmission line and substation) Lead KfW, EBRD Total: 71.4 € NIF: 8.2 €
2014	-	-
2015	Financing Technologies against Climate Change – FINTECC Lead EBRD Total 79.8 € NIF 4.2 € Type technical assistance	-
2016	Ukraine Higher Education Energy Efficiency Lead EIB Total 81.0 € NIF 3.2 € Type technical assistance	Extension of the Georgian Transmission Network Lead KfW Total 225.0 € NIF 10.4 € Type grant/technical assistance

2017	-	-
2018	Ukrenergo: Support to Integration of the Ukrainian Power Grid into the Synchronous Area Continental Europe (CESA) Lead KfW Total 53.37 € EU 8.95 € Type technical assistance	Energy Sector Reform Lead KfW Total 307.85 € EU 8.80 € Type technical assistance
	Ivano-Frankivsk District Heating Lead EBRD Total 13.83 € EU 2.53 € Type investment grant	
2019	Energy Efficiency in Small Municipalities Lead The Nordic Environment Finance Corporation (NEFCO) Total 15.55 € EU 7.05 € Type investment grant, technical assistance	Energy Efficiency in Public Buildings Programme Lead KfW, EBRD Total 130.60 € EU 25.80 € Type investment grant, technical assistance
Total	10 projects of total 4131.75 m €	6 projects of total 1061.85 m €

Sources: based on European Commission, *Neighbourhood Investment Facility Operational Annual Report 2016*, Luxembourg 2016; and European Commission, *The European Fund for Sustainable Development. The EFSD is the financing arm of the EU External Investment Plan Promoting investment in Africa and the EU Neighbourhood Operational Report 2019*, Luxembourg 2020.

However, there is a possible correlation between the material importance of energy cooperation and the type of EU actorness. Indeed, the last two sections have indicated that the EU was pursuing a strategic type of actorness, with strong political and diplomatic engagement much more actively in the case of Ukraine. While in the case of Georgia there were also elements of the EU's strategic actorness, they related more broadly to the South Caucasian region, thus often not targeting Georgia separately. Due to a relative lack of clear objectives and an overall strategy towards the region, the EU's actorness in Georgia falls short of satisfying the strategic actor hypothesis.

Furthermore, both in the case of Ukraine and Georgia, the EU engaged in exporting its internal energy market *acquis* pursuing, on the one hand, objectives of the liberal market, and on the other hand, advancing its environmental agenda. However, the analysis of Ukraine's case suggests that the EU was using a regulatory and environmental toolkit to achieve its strategic objectives to a larger extent, while in the case of Georgia this was less apparent. Finally, throughout both cases, the EU appears as an environmental actor, strongly engaging in supporting the projects and reforms aiming at aligning the partner countries with green objectives. In this sense, the claims made in the literature about the EU being an increasingly strategic actor are plausible, but they have limits as the analysis of Ukraine and Georgia has shown. This can be explained by the fact that the EU is using more actively its political and diplomatic toolkit when it identifies the cooperation through the lenses of its own energy security. The next section will follow with the overall conclusions of this research.

Conclusion: The EU as an external energy actor in a 'grey zone'

The main purpose of this study was to understand what kind of actor the EU is when engaging in external energy policy in its Eastern neighbourhood. It finds that the EU actorness is not uniform throughout both cases. Returning to the hypotheses, it is now possible to state that while the EU is still a liberal actor using policy tools designed to build and maintain open markets, it is increasingly interpreting energy issues in terms of geopolitics rather than trade.¹²⁰ Hence, considering the tools, the liberal actor hypothesis is verified: the analysis of both case studies has shown that the EU is engaging in exporting its regulatory agenda, be it through the EnC or the signature of the AA. However, considering the motives, it was observed that the EU was often doing so in order to secure its strategic goals, hence the domain of the strategic actor hypothesis. Furthermore, the case of Georgia showed that the EU's strategic actorness is dependent on its interests being at stake. As a result, an important conclusion is that the EU's actorness varies depending on the country and the interests involved. Considering the green actor hypothesis, both case studies have shown that the EU is increasingly using its energy policy to achieve environmental sustainability. The relative weight of the liberal, strategic and green actor hypotheses varies across the case studies. In the case of Ukraine the liberal and strategic actor hypotheses were most relevant throughout the studied period, while the green hypothesis was gaining more importance with time. In the case of Georgia, the liberal and green hypotheses were relatively more important than the strategic actor hypothesis. Therefore, it seems important to note that the EU's external actorness is relational, meaning that it is shaped in the process of engaging with a partner country. The multifacetedness of EU actorness intuitively raises the question of the EU's coherence as an energy actor.

Finally, it appears that between 2009 and 2022, EU external policy has to a certain extent, turned full circle. Whereas amidst the 2009 gas crisis the issue of energy security was at the top of the agenda, the following years brought what Youngs identified as an approach "that balances support for pipelines with market-based norms and decarbonization aims".¹²¹ The EU's balancing approach was also observed in how its external funding for energy-related investment was allocated. The analysis, both in the

¹²⁰ Cf. original quote: a liberal actor is "interpreting issues primarily in terms of trade rather than geopolitics, and employing policy tools designed to build and maintain open markets", see Goldthau, "A Liberal Actor in a Realist World?", *op. cit.*, 1454.

¹²¹ Richard Youngs, "EU Foreign Policy and Energy Strategy: Bounded Contestation", *Journal of European Integration* 42, no. 1 (2020), 153.

case of Ukraine and Georgia, has revealed a balance between energy efficiency and energy security projects. Yet, the energy price crisis of the autumn of 2021, which retrospectively appeared as a prelude to the outbreak of war in Ukraine, brought back energy security to the centre of the EU policy making.

The case studies have revealed that substantive analysis of the EU's energy cooperation in the Eastern neighbourhood is still limited. Hence, the theoretical understanding that emerges out of this research is suggesting that the EU external energy policy is indeed taking place in a 'grey zone' between regulatory and geopolitical approaches, with a green agenda increasingly encompassing the EU energy policy. Or, instead, one could say that the EU is balancing between different objectives and motives. This underlines the need for further research on the coherence and effectiveness of this multifaceted actorness. Furthermore, this paper has pointed to the potential tensions between the co-existing regulatory approaches offered by Russia and the EU. It emphasises the problem of the EU's relevance and legitimacy to be a norm-setter in regional governance.¹²²

Fundamentally, the outbreak of war in Ukraine in February 2022 appears as a game-changer in EU energy relations. EU external energy policy is undergoing a profound reconceptualisation, breaking the old dependencies on Russian imports. Hence, the very basis of liberal and strategic actorness is being reconsidered. Does it then mean that looking back is less important? In fact, the contrary can be argued. Deconstructing and understanding the EU's external energy actorness during the last decade helps to better understand the incoherencies and can ultimately contribute to a more consistent and effective action in the future.

¹²² Kustova, "Towards a Comprehensive Research Agenda", *op. cit.*, 100.

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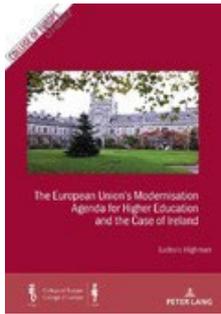
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