The European legal framework for Offshore Renewable Energies

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European Union and Energy

Remember

- 1951: The European Coal and Steel Community
- 1957: The European Atomic Energy Community
  + The European Economic Community
  No specific competence in energy
  but action through market
  and environmental rules…

- 2009: The last step
  The Treaty of Lisbon
  The Energy policy (Title XXI – TFEU)
Article 194 TFEU

1. In the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim to promote energy efficiency and energy saving and the development of new and renewable forms of energy.

- EU and ORE: 3 major interests

1 - To ensure security of energy supply in EU

- EU
  - first energy consumer in the world
  - imports more than half of its energy
European Union interest for renewable energies

2 - To protect environment

EU is linked by international agreements

United Nations Framework Convention on Climate Change (1992)

The aim of returning to 1990 levels these anthropogenic emissions of carbon dioxyde and other greenhouse gases...(Art. 2-4-b)

Kyoto Protocol (1997)

Reduction of overall emissions of greenhouse gases by at least 5 per cent below 1990 levels in the period 2008 to 2012 (8 % for EU) (Art.3-1)

TFEU - Article 191

Union policy on the environment shall contribute to pursuit of the following objectives:

— preserving, protecting and improving the quality of the environment…

— promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.
European Union interest for renewable energies

3 - To contribute to « Blue growth »

European Blue economy = 5.4 million jobs and a gross added value of just under €500 billion per year

Blue energy: one of 5 the blue growth focus area (Com (2012) 494)

Offshore wind energy

- **2012**: 35 000 people employed, €2.4bn in annual investments.
- 5 GW. total capacity offshore, 55 offshore farms in 10 European countries, 0.5% of the EU’s total electricity consumption
- **2013** (first 6 months): 277 new offshore wind turbines were connected totalling a further 1GW
- **By 2020**: 494.6 TWh produced by windpower and of that 133.3 TWh will be generated offshore (4% of the EU electricity demand), 170 000 jobs
- **By 2030**: installation of offshore capacity > onshore (14% of the EU electricity demand), 300 000 jobs

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What rules apply to ORE?

No specific rule


...The first binding rules: Directive 96/92/EC of 19 December 1996 concerning common rules for internal market in electricity + Directive 2001/77/EC of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market

An important step: the Climate and Energy package – 2009

= Market regulation + Environmental regulation

- 20% share of energy from renewable sources and a 10% of energy from renewable sources in transport in Community energy consumption by 2020 (Directive 2009/28/EC)

- 20% improvement in energy efficiency by 2020

Reductions of greenhouse gas emissions exceeding 20% compared to 1990 levels
1 - Member states may impose on undertakings operating in the electricity sector... public service obligations which may relay to... environmental protection including ... energy from renewable structures and climate protection (Art. 3-2)

2 - Member States shall lay down the criteria for the grant of authorisations for the construction of generating capacity in their territory: ... the contribution of the generating capacity to meeting the overall Community target of at least a 20 % share of energy from renewable sources in the Community’s gross final consumption of energy in 2020 (Art. 7)

3 - Member States may ensure the possibility, in the interests of environmental protection and the promotion of new infant technologies, of tendering for new capacity. Such new capacity includes electricity from renewable energy sources (Art. 8-2)… …under the responsibility of an authority independent from electricity generation, transmission, distribution and supply activities (Art. 8-5)

4 - Member State may require the distribution system operator ... to give priority to generating installations using renewable energy sources (Art. 25 -4)
All these rules apply to Offshore Renewable Energies

Offshore Renewable Energies specificities
A specific Environment: the Marine Environment

**The issues**

- 1 - The cost

**The solutions**

- **Horizon 2020**: 5,9 Bn Euros for Secure, clean and efficient energy
  
  2014-2015 : 155 MEuros for Demonstration of renewable electricity

  **NER 300/400**: first call: 60 MEuros in ocean Energy Support scheme
2 - **Competition** with other water-related activities

Example of Environment/fishing
The solution to ensure the consistency of marine-related activities:

The European Integrated Marine Policy

- Union policy whose aim is to foster coordinated and **coherent decision-making** to maximise the sustainable development, economic growth and social cohesion of Member States ... through **coherent maritime-related policies** and relevant international cooperation

6,5 billion Euros (2014-2020)

To manage human pressure  
To fight against climate change
The impact of IMP on ORE
Two main legal tools

The environmental pillar
The marine strategy framework directive (2008/56/EC)

coherence between agreements and legislative measures which have an impact on the marine environment (Art. 1–4)

The directive establishing a framework for maritime spatial planning (2014/89/EU)

process by which the relevant Member State’s authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives
Conclusion

Member states are first responsible to develop ORE but EU action remains fundamental to give efficiency, consistency to national actions.

- Cross-border cooperation

- Public-private partnerships

  **European Industrial Initiative** = *An effective means of sharing risk and leveraging private investment* (COM (2014) 8)

An example
Thank you for your attention

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