

Examining the Czech Presidency's Role in the Convergence of the EU's Energy-climate Agenda

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ABSTRACT

The Czech presidency of the Council of the EU faced a challenging term, commencing just months after Russia invaded Ukraine. Its priorities were to maintain the unity of the European bloc against Moscow, manage the energy crisis, and adhere to the ambitious climate agenda. During its term, the Czech presidency significantly improved the EU's energy security by promoting energy solidarity, cooperation, and reaching key agreements on issues such as the windfall tax or reduction of gas demand. Although the climate policy remained in sight, the revisions of the Renewable Energy Directive and Energy Efficiency Directive not only lacked momentum and important commitments, such as an agreement on reducing energy demand, but also strong compulsory measures. Despite the Czech presidency's prioritization of security of supply over ambitious climate goals, its overall successful performance in both areas has contributed to aligning energy and climate policies between Western and Eastern Europe in the long term.

KEYWORDS

European Union, Czech Republic, Council of the EU, energy security, energy transition

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Russia's military invasion of Ukraine in February 2022 prompted the EU to reevaluate its energy policy toward Moscow. Faced with the need to rapidly diversify its fossil fuel imports away from Russia and hit by skyrocketing energy prices, the EU Member States started to hastily look for alternatives.

The incoming Czech Presidency in July 2022 therefore had a daunting task ahead of it, as it had to keep unity in the bloc's policy approach towards the Kremlin and manage the unfolding energy crisis that increasingly hit European consumers while not losing sight of the ambitious climate change mitigation targets.

Dealing with heightened energy security concerns while maintaining a focus on the climate agenda would have been a challenge even under normal circumstances, given how much the policy approaches in both areas differ across the EU. Recent studies noted that the energy transition in Europe has been marked by a multi-speed dynamic, with one group of (mostly Western) countries focusing on the development of renewable energy as a way of lowering import dependency, and the other group of (mostly Eastern) countries being more preoccupied with security of supply at affordable prices (PÉREZ – SCHOLTEN – STEGEN 2019). Western states, having more developed economies with higher GDP per capita, better developed energy infrastructures and markets, and longer expertise in the RES sector, were more likely to see development of renewable energy as an industrial opportunity (IBID.). The fact that the energy sectors of many Western states are more diversified due to a mix of economic and geographical factors also played a role here. In Central and Eastern Europe, on the other hand, even though societal attitudes to sustainable energy and climate change have been closely following Western Europe (SURWILLO – POPOVIC 2021), the primary focus has been on energy security (JANELIŪNAS 2021), especially security of fossil fuel supply as opposed to renewables and energy efficiency (FIGULOVÁ – WERTLEN 2021), and that focus frequently overshadowed the energy transition agenda (JIRUŠEK – VLČEK 2021).

Factors such as path dependencies stemming from the Soviet legacy (ZSOLT 2021), reliance on fossil fuels and centralized energy systems, and the emphasis on competitiveness vis-à-vis Western counterparts, coupled with the challenge of meeting EU climate goals, hindered the transition in the CEE region (MIŠÍK – ORAVCOVÁ 2021). Furthermore, some analyses

illustrated that factors such as national identity and historical narratives have also influenced policy agendas in the region, tying them to concepts such as ‘sovereignty’ or ‘independence’ (E.G., BERLING – SURWILLO – SLAKAITYTE 2022; KUCHLER – BRIDGE 2018).

As a result, while Western Europe concentrated on transmission network development, the CEE region prioritized diversification policies in the gas sector, with new infrastructure projects such as LNG terminals, gas pipelines, and interconnectors designed to improve regional supply security vis-à-vis the Russian monopoly. Several countries from the CEE region – including the Czech Republic – have also actively tried to block the progress toward the EU’s ambitious climate goals on several occasions by, e.g., protesting significant GHG emissions or blocking the progress toward the EU 2050 carbon-neutral target while frequently opting for a gradual approach to the sustainable energy transition that would minimize the impact on their economies (ZEILINA 2019; VAN RENSSSEN 2014).

The economic dimension would also come to the fore as far as the levels of energy poverty across Europe are concerned. Recent studies illustrated that whereas some percentage of households across most EU states might struggle to meet their basic energy needs, the classic economic development distinction between the core and periphery is also applicable to the geographical divide of energy poverty in the EU, with Southern and Eastern European Member States being the most negatively affected by energy poverty (BOUZAROVSKI – HERRERO 2017: 70).

The multiple disparities in approaches to energy security and energy transition, as well as the differing levels of energy poverty, have led to divergent energy and climate policy preferences across the EU, resulting in a complex dynamic in the energy and climate sectors. A study published three years prior to the outbreak of the war in Ukraine (PÉREZ – SCHOLTEN – STEGEN 2019) outlined three scenarios for the European energy transformation if this two-speed dynamic was to continue. The first scenario would see an emergence of two competing blocs in Europe, each with divergent views on energy security, and focusing either on renewables or on fossil fuels, and this would result in limited cooperation. In the second scenario, the two blocs’ energy security interests would diverge from each other, but cooperation and grid interconnectedness would develop between them as

well, leading to a more versatile energy security; the two blocs would balance each other out, depending on the changing costs and energy outputs from different sources. In the third scenario, after an initial divergence, the two blocs would come closer to each other in terms of their energy security strategies and their cooperation on network interconnectedness. This scenario could be facilitated through renewable energy technology transfers, environmental protests, or greater incentives from the European Commission (EC).

The war in Ukraine has had a significant impact on the European Union's energy and climate policies. In the short to medium term, the disparities in approaches to energy and climate policies are likely to persist and resemble the second scenario outlined by Perez et al. (2019). However, the shift in the EU's policy approach towards Moscow is expected to push the EU Member States towards the third scenario in the long term. Russia's use of energy as a tool of political pressure following the outbreak of the war in Ukraine has increased the sense of urgency across Europe regarding the need to secure energy supplies. This has led to a greater consensus on the geopolitical dimension of energy security across the EU. Simultaneously, the need for an accelerated energy transition has provided a further impetus for countries in the CEE region to invest in renewable energy sources and energy efficiency measures. The increased focus on both energy and climate policies across Western and Eastern European states is likely to lead to greater cooperation and convergence of approaches in the long term, as Member States will work together to achieve their climate goals while also ensuring energy security. However, there are significant challenges ahead, as was evident during the Czech Presidency of the Council.

The war in Ukraine reshaped the priorities of the Czech Presidency of the Council, which was guided from the start by the motto 'Rebuild, Rethink, Repower,' with energy security being one of the top five issue areas to be tackled (DR 2 CONSULTANTS 2023). It was clear on the eve of the Czech Presidency that Prague would need to successfully lead triologue talks on key legislative proposals within the 'Fit for 55' package and work on the advancement of the 'REPowerEU' plan. The 'REPowerEU Communication' and 'Action Plan' published by the European Commission in spring 2022 both highlighted the importance of the diversification away from the Russian energy sources, tackling the high energy prices and further investment in

low-carbon technologies ^(EUROPEAN COMMISSION 2022C). With the EU being highly dependent on Russian gas (40%), oil (27%), and coal (46%) prior to the outbreak of war in Ukraine, it was paramount to set the deadlines for the phase-out of Russian fossil fuels. Diversification of natural gas – in both the gaseous and liquified forms – was particularly pressing, as was increasing the interconnectedness of the European gas and electricity networks. With the prospect of winter ahead, energy experts and policymakers also stressed the importance of further solidarity arrangements between the Member States, a necessary cooperation to maximize the EU’s collective political and market power (e.g., through joint gas purchases from the external suppliers), and ensuring sufficient gas storage before the incoming winter heating season.

During the Czech Presidency, there was a focus on implementing the REPowerEU plan, which included fast-tracking the targets of the ‘Fit for 55’ package. That meant increasing targets for renewables and energy efficiency, simplifying and accelerating procedures for permitting projects in renewables, and further regulations necessary for increased investments in the renewable energy sector, including solar energy, wind energy, biomethane and renewable hydrogen. These measures were not only intended to speed up the energy transition process, but they could also help offset the phase-out of fossil fuels.

Commitments to clean mobility ^(KOŽMÍNOVÁ ET AL. 2022) and considerations related to the societal impact of decarbonization (e.g., the need for a just transition for European regions with the help of the Social and Climate Fund and the Just Transition Fund) were also highlighted. Although cutting energy demand and increasing energy efficiency measures would be fastest and most cost-efficient strategy in the short term, it was recognized that incentives for energy efficiency and savings measures would need to be accompanied by appropriate national schemes for price regulation to shield European companies, farmers and vulnerable individual consumers from the energy prices’ volatility.

Fast forward to December 2022, the Czech Presidency of the European Council was widely complimented for its many accomplishments, not least those in the energy sector. Maintaining the Union’s unity against Russia, e.g., in the form of sanctions, and preventing the European

energy market from collapsing were mentioned by the Czech side as some of its most prominent achievements ^(PEDZIWOŁ 2022). The praise, as far as the track record in the energy-climate sector was concerned, was largely deserved. However, several pressing issues and missed opportunities remain, especially as far as the progress on the EU-wide RES and energy efficiency targets are concerned. And the slower progress on the latter reflects the continuously different policy priorities across the EU.

THE MOST SIGNIFICANT ACHIEVEMENTS OF THE CZECH COUNCIL PRESIDENCY

In many ways the Czech Presidency exceeded expectations, as it managed to largely maintain the Union's common front and steer its political direction in times of crisis. Several key agreements in the energy and climate sectors have been negotiated along the way to achieve that. Those included an agreement on the windfall tax and the introduction of a cap on profits from power plants (apart from gas and hard coal), a commitment to reduce the gas demand by 15 percent, an agreement on energy saving at peak hours, a cap on gas prices, and a commitment to joint gas purchasing and solidarity in case of gas supply cuts ^(IBID.).

Significant progress has also been made on the revisions and provisional agreements within the 'Fit for 55' package. To start with, the Carbon Border Adjustment Mechanism (CBAM) was introduced. This scheme targets imports of products in carbon-intensive industries from non-EU business partners, who are, in turn, incentivized to fulfill the EU's high climate standards. The mechanism is meant to prevent carbon leakage and create a level playing field, leading to the convergence of global climate ambitions ^(DR 2 CONSULTANTS 2023).

A provisional agreement on the reform of the EU's emissions trading system (EU ETS) negotiated in December 2022 was another important achievement. The reform involves further acceleration of the emissions reductions targets (from 43% to 63% by 2030), a faster reduction of the cap on allowances (from the original plan of -2.2% per year by 2030 to -4.3% per year between 2024 and 2027, and then -4.4% per year between 2028 and 2030), more sectors being covered by the ETS, including maritime transport (from 2024), and a separate new ETS for buildings, road

transport, and fuels for additional sectors. For sectors not covered by the EU ETS (road and domestic maritime transport, buildings, agriculture, waste and small industries) an emission reduction target of 40% compared to 2005 to be achieved by 2030 was agreed.

This ambitious EU climate agenda was also enhanced by the LULUCF regulation, which set an overall EU-level objective of 310 Mt CO₂ equivalent of net removals in the land use, land use change and forestry sector by 2030 (COUNCIL OF THE EU 2022A).

The Czech Presidency also has a good track record regarding the progress on clean transport regulations. Just before Prague took the leadership of the Council, the European Parliament voted in June 2022 for a ban on the production and sale of new cars with an internal combustion engine from 2035. A month later, the EP adopted its position on new draft rules to increase the uptake of sustainable fuels by planes in EU airports. The new accelerated targets state that the minimum share of sustainable aviation fuel at EU airports should be 2% from 2025, which would then increase to 37% by 2040 and 85% by 2050 (EUROPEAN PARLIAMENT 2022A). The expected share of electricity and hydrogen plays a key role in this future fuel mix (with the EC proposing 32% for 2040 and 63% for 2050).

Moreover, in October 2022, the EP voted for the Alternative Fuels Infrastructure Regulation (AFIR), which aims to increase the number of the recharging and alternative fuel refueling points for cars, planes and ships across the EU (IRU 2022). A new set of rules promoting the use of renewable and low-carbon fuels in maritime (FuelEU Maritime) (EUROPEAN PARLIAMENT 2022B) and air transport (ReFuelEU Aviation) (EUROPEAN PARLIAMENT 2022C), was also introduced to cut emissions in each sector respectively. As far as maritime transport is concerned, the GHG emission targets are to be cut by 2% as of 2025, 20% as of 2035, and 80% by 2050, as compared to the 2020 level (GREEN CAR CONGRESS 2022).

The progress in the climate policy has been accompanied by important developments in the energy sector. A crucial development for the Czech Presidency was achieving an agreement on the acceleration of the deployment of renewable energy projects, including procedures and deadlines for issuing permits for solar, repowering, and heat pump projects

(COUNCIL OF THE EU 2022B). The regulation is mostly applicable to RES projects and technologies with the highest potential for quick deployment and the least impact on the environment (COUNCIL OF THE EU 2022C).

Recognizing that tackling energy demand and energy efficiency measures is the quickest and most cost-effective way of mitigating the crisis, in September 2022 the Energy Council reached an agreement on the common measures on electricity demand reduction (EUROPEAN ENVIRONMENTAL BUREAU 2022). One month later, a general approach to the Energy Performance of Buildings Directive (EPBD) was adopted (IBID.). The Czech Presidency also sought to focus on mitigating the energy price increases and shielding the most vulnerable consumers. Several policy decisions were taken to lessen the economic impact of the energy crisis on the societies.

Most importantly, an agreement on a windfall tax for energy companies, which sets a mandatory temporary solidarity contribution on the taxable business profits in the crude petroleum, natural gas, coal, and refinery sectors, was reached (COUNCIL OF THE EU 2022D). In addition, the regulation applies to regular national taxes on profits that amounted to more than a 20% increase of the average yearly taxable profits since 2018 in the fiscal year starting in 2022 and/or 2023. The additional funds generated from the windfall tax are to be directed to individual households and companies to help them deal with the effects of high retail electricity prices.

Moreover, some of the revenues generated from the ETS for fuels in additional sectors would be transferred into the social climate fund aimed at mitigating the negative impact of carbon pricing within the new ETS system (EUROPEAN COUNCIL OF THE EU 2023).

Given the EU's high dependency on the Russian fossil fuels and its need for their gradual phaseout and diversification of fossil fuels, the Member States have agreed at the Energy Council meeting in July 2022 to reduce natural gas demand by 15% before winter 2022 (EUROPEAN ENVIRONMENTAL BUREAU 2022). Equally important was the introduction of new measures facilitating joint purchases of gas by the Member States and the emphasis on solidarity in the new regulations that introduced an obligation for the states to share gas with each other in periods of sudden acute shortages that would affect electricity production (COUNCIL OF THE EU 2022B).

These policy decisions will strengthen the EU's negotiating position on the global energy market in the long term and aid in refilling gas storages across the EU before the next winter heating season, that of 2023\2024.

THE SHORTCOMINGS OF THE CZECH PRESIDENCY

The Czech Presidency of the Council certainly had to make responding to the energy crisis a priority, and as such it managed to successfully steer the Council decisions on some key emergency legislation. However, despite important progress being made also on the 'Fit for 55' package, the track record in the renewables and energy efficiency sectors illustrates some missed opportunities, with the revisions of both the Renewable Energy (EUROPEAN COMMISSION 2022A) and the Energy Efficiency Directive (EUROPEAN COMMISSION 2022B) not being very ambitious.

The outcome of the negotiations on energy efficiency measures, cutting energy demand and setting new RES targets between the EU bodies and the Member States has been insufficient. Already in May 2022 the European Commission's 'REPowerEU' plan aimed to increase the energy efficiency target (initially agreed in 2021) from 9% savings to 13% by 2030. In September the EP followed up on this by backing a mandatory energy saving target of 14.5% to be achieved by 2030. However, the EU Member States greenlighted only the 9% target back in July 2022, and with the Council under the Czech Presidency backing the same level of commitment it created a difficult ground for negotiations with the other EU bodies and posed a risk of states not implementing the necessary tougher measures in the medium term. It is worth noting that Member States had already missed their energy savings targets for 2020 (KURMAYER 2022). The Member States also proved to be reluctant toward the idea of adopting another stronger target for the annual energy savings obligations, which would ensure a decrease in their consumption of oil, gas and electricity. Whereas the Commission suggested a 1.5% target from 2024 onwards and the EP has been pushing for a higher target of 2%, the EU countries prefer a staged approach instead (TAYLOR 2022).

Despite reaching a commitment on reducing energy demand, the Czech Presidency also did not manage to negotiate strong compulsory measures. The overall 10% gross electricity consumption reduction target

is voluntary, albeit it does include the 5% mandatory electricity reduction target to cover at least 10% of peak hours (which are to be identified by Member States by March 2023) ^(COUNCIL OF THE EU 2022D). As the agreement hinges on the voluntary efforts of the Member States, and only twelve of them have adopted domestic mandatory energy reduction regulations so far, the progress might prove insufficient.

A study conducted by the European Environmental Bureau (EBB) showed that by mid-December 2022 Italy, Germany, France and Spain have introduced the strongest gas saving measures so far ^(KAULARD – HEIGER 2022). Being a large importer of Russian gas prior to the war in Ukraine (55% of its gas imports), Germany has also implemented a gas auctioning model to incentivize industrial consumers to reduce their gas consumption. Several Member States – Portugal, Slovenia, Denmark, Belgium, Malta, Greece, Ireland and Hungary – have opted for a mix of a few mandatory gas consumption reduction measures in public buildings and voluntary measures for private entities and citizens. The rest of the countries have focused on voluntary measures, while a few of them have not implemented any measures yet ^(IBID.).

A certain lack of momentum could be also spotted in the revisions of the Renewable Energy Directive. Although in mid-September 2022 the European Parliament voted in favor of an ambitious 45% target for RES in the EU's energy mix to be reached by 2030, as outlined in the 'REPowerEU' plan in spring (with the Greens and the Left advocating for even more radical targets – 55–56% RES by 2030 and 100% by 2040) ^(MESSAD 2022), this target has not been upheld in the Renewable Energy Directive (RED III). Instead, the 40% RES objective in the Union's gross final consumption to be reached by 2030 was maintained (an increase from the 32.5% by 2030 target in the 2018 Renewable Energy Directive) ^(COUNCIL OF THE EU 2022E). This raises questions as to whether the new regulations are ambitious enough, especially as no binding national renewable energy targets for EU countries were set.

When it comes to other policy developments, quite noteworthy was the Council's approach to the Energy Performance of Buildings Directive (EPBD) adopted in autumn 2022. Buildings account for 40% of the energy consumption in the EU and their poor performance in this regard became

evident in the current crisis amid the skyrocketing energy prices (EUROPEAN COUNCIL FOR AN ENERGY EFFICIENT ECONOMY 2022). Improving that performance is therefore one of the key ways of tackling the energy crisis and protecting vulnerable consumers. However, the Council's revision of the directive appears to be only moderately ambitious in the current double crisis of energy and climate change. The Council maintained the main revision objectives of the directive as set out by the Commission, including for all new buildings to be zero-emission by 2030, and for all existing buildings to be transformed into zero-emission buildings by 2050. Regarding new buildings, it was also agreed that new buildings owned by public bodies would become zero-emission by 2028 (EUROPEAN BUILDERS CONFEDERATION 2022). However, although the Czech Presidency was determined to maintain the Minimum Energy Performance Standards (MEPS) for all segments of the building stock, it took a less ambitious approach to this than the European Commission. For instance, no clear benchmarks have been set for the MEPS, while a number of exceptions were introduced. Moreover, the provisions on the harmonization of Energy Performance Certificates and improvement of indoor environmental quality in all types of buildings suggested in the European Commission's proposal, turned out to be much weaker in the Council's approach.

When it comes to renewables, environmental actors have been pointing to the rather weak regulations on biomass. Bioenergy currently constitutes 60% of the renewable energy resources in the EU (EUROPEAN COMMISSION 2019), and biomass was included in the EU's RES mix with the caveat that its share cannot exceed the average recorded volumes in 2017–2022. The EP outlined a plan for the progressive phase down of biomass. However, no end date for its complete phase out was indicated (MESSAD 2022).

Lastly, when it comes to a wider international focus, the Czech Presidency also worked jointly with the European Commission to reach an agreement at the UNFCCC COP27 in Egypt on November 20th on loss and damage and maintaining the commitment to the 1.5C degrees target. Although the Union showed a unified front, the commitments made in relation to climate mitigation are not high enough and might put the 1.5C degrees goal in jeopardy.

THE LEGACY OF THE CZECH COUNCIL PRESIDENCY

Similarly to the other Visegrad states, the Czech Republic was not considered as the most climate-ambitious actor. Adding to that the immense challenge of the energy crisis following the Russian invasion of Ukraine, the Czech Presidency was faced with a multiplicity of necessary policy decisions to be made in the energy and climate sectors.

In contrary to the common belief, the Czech Republic was well suited to deal with the pressing issue of energy supply, as the topic had been high on the CEE regional security agenda for years. Hence, despite the challenge of the numerous emergency regulations needed, Prague showed strong leadership in successfully pushing for greater energy solidarity in new regulations, cooperation on joint purchases of gas, implementation of a cap on gas prices, a windfall tax for energy companies and a significant reduction of gas demand.

Regardless of the presidency being preoccupied with energy security, the climate agenda remained in sight and significant progress has been made on the Carbon Border Adjustment Mechanism (CBAM), the reform of the EU's emissions trading system (EU ETS), and clean transport regulations (AFIR, FuelEU Maritime, ReFuelEU Aviation). Crucially, the Czech Presidency also managed to reach an agreement on the acceleration of the deployment of renewable energy projects.

However, the revisions of the Renewable Energy and the Energy Efficiency Directive so far lacked momentum, while the important commitment to reducing energy demand was not backed up by strong compulsory measures. From a wider perspective, this reflects the reluctance of numerous EU Member States to implement more ambitious sustainable targets in the current crisis. In some way, though, this is also a reflection of the Czech Presidency itself and the traditional policy focus in the CEE region on the security of supply rather than on an ambitious climate policy targets.

Nevertheless, the legacy of the Czech leadership of the Council gives hope that important tasks can be accomplished in a short time period and that despite their differences, the Member States can maintain a united front and reach strategic compromises. The Presidency has also illustrated the importance of personal determination, as the conduct of some of its key

politicians was particularly noteworthy. The Czech Minister of Industry and Trade, Jozef Síkela, who oversaw the EU Council of Ministers discussions on energy and called a meeting on this eight times to successfully reach several important agreements, is a case in point here.

Given that significant progress is still needed in the renewables and energy efficiency sectors, the incoming Swedish Presidency needs to prioritize both areas and push for stronger RES and energy saving targets, as proposed by the European Commission in 'REPowerEU' and as supported by the EP.

The acute situation on the European energy market following the Russian invasion of Ukraine in 2022 naturally shifted the attention to the need for diversification and the ultimate phaseout of fossil fuels, including gas. Although several EU states still envision the use of gas as a 'bridge fuel' in their energy transition, in the future there is a need to put more emphasis on the importance of new RES technologies. The development of the renewable hydrogen market and infrastructure and boosting solar photovoltaic and wind capacity are crucial. And regions such as CEE still have a lot of untapped potential that should be explored when it comes to the development of RES.

At the same time, from a more long-term perspective, the policymakers will need to ensure that new projects in fossil fuel infrastructure (including gas pipeline connections and LNG terminals) are well coordinated to avoid overinvestment and a carbon lock-in effect that could side-track the energy transition in the long term.

The Russian invasion of Ukraine and the resulting energy crisis have created a pivotal moment for the future of Europe's energy transition. As outlined in Pérez, Scholten and Stegen's (2019) scenarios, the crisis has exposed the divergent takes on energy security of the two blocs. However, the EU's response to the crisis has not followed this bleak path. Instead, there was a shared recognition among the Member States of the need for greater energy security and diversification, as well as increased cooperation and interconnectedness in energy and climate sectors. While clear divisions remain across different parts of the EU for the time being, the Swedish Presidency and the subsequent Presidencies of the Council hold the potential to drive forward the task of further policy alignment in both areas, despite the challenges ahead.

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note

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