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The reach of EU competences in the low-carbon energy transition

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Several limitations on the use of the EU powers in the energy sector

- Article 194 TFEU
- Article 192 TFEU
- Article 172 TFEU









Implications for the low-carbon energy transition

- The constitutional limitations of energy policy in EU law reflect
 - the historical background of EU energy law
 - the inclusion of the principle of permanent sovereignty over natural resources in EU energy law
 - However, the scope of the limitations is narrower in practice than what their wording ('shall not') implies
- ➡ the future scope of EU energy policy is unlikely to reduce as a result of these limitations



- Kaisa Huhta, 'Case T-295/20 Aquind: Clarifying the division of powers in the EU energy sector', *European Energy and Environmental Law Review* (2023).
- Kaisa Huhta, 'The Scope of State Sovereignty under Article 194(2) TFEU and the Evolution of EU Competences in the Energy Sector', 4 *International & Comparative Law Quarterly* (2021).
- Kaisa Huhta, 'EU:n toimivallan reunaehdot puhtaan energian siirtymälle', *Ympäristöjuridiikka* (2023). (Translated title: 'The limits of EU competences in the energy transition')