

Abstract

Since long the energy policy has been escaping the concept of the common European policies or has been only partially influenced through the harmonisation of other common policies. If energy sector was considered an exclusive competence of every State Member (or as a part of its national security), nowadays, it has made a big step forward. At present, we talk about the establishment of a competitive internal energy market. The energy policy became part of the Community law only after the adoption of the Lisbon Treaty when the sector was granted a separate chapter and henceforth decided upon through a co-decisional procedure. The energy markets were subsequently given a new liberalisation impetus by the approval of the 3rd energy package (July 2009).

My thesis focuses entirely on the natural gas sector and its crucial amendment to the network sector regulations. The core subject of the Directive 2009/73/EC concerning common rules for the internal market in natural gas is the ownership unbundling regime which stipulates the separation of production and sale operations from their transmission networks. This separation from the former vertically integrated utilities is supposed to guarantee an equal and non-discriminatory access to the transmission networks. Even though the ownership unbundling regime was supposed to be the key step towards the market liberalisation, and as such was part of heated European debates on the topic, its real effect on it remains mitigated. The objective of this thesis is to analyse in what way the ownership unbundling was indeed the most crucial element, and if it has succeeded in introducing more competition to the formerly protected domestic markets. Further it attempts to answer the frequently asked question of whether the European natural gas market might finally be considered as liberalised and if not, what impedes this advancement. This thesis tries to do it in two different, though parallel, levels: studying its liberalisation (therefore the deregulation on the national level) and subsequent market integration (harmonisation rules on the European level).