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Introduction

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Energy Justice and the European Law of Transition: Introduction

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Reading Time: 7 minutes

1. **From Energy Transition to Legal Transformation**

This symposium brings together six contributions that emerged from the international workshop “Energy Justice in the European Law of Transition”, convened under the auspices of the Amsterdam Centre for European Studies (ACES) at the University of Amsterdam, in collaboration with the School of Law of the University of Camerino. The

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Posted by
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workshop asked how European legal instruments can support the energy transition without treating affordability, participation, legal certainty, and justice as secondary concerns. That question reflects a broader diagnosis: European energy law is becoming a testing ground for what may be described as a 'European Law of Transition'. This is an emerging normative framework for governing systemic change at the intersection of climate protection, energy security, geopolitical instability, industrial policy, and social vulnerability. Its starting point is also grounded in the academic literature on energy justice, which has long claimed that energy systems must be assessed through distributional, procedural, and recognition justice lenses (Jenkins et al., 2016; Sovacool and Dworkin, 2015).

The move away from fossil fuels requires new markets, new contracts, new public support mechanisms, new legal subjects, and new modes of administrative decision-making. It also requires law to decide who bears transition costs, who receives transition benefits, who has procedural voice, and who is exposed to environmental, financial, or territorial risk. European law is central to this process. The European Green Deal, the European Climate Law, REPowerEU, the revised Renewable Energy Directive (RED III), the Electricity Market Design Reform and the EU Hydrogen Strategy show that the transition is increasingly governed through dense legal frameworks that allocate power, risk, and responsibility.

The contributions collected here therefore ask a sharper question: what kind of legal framework is emerging through the energy transition? Their answers suggest that transition should be assessed by its effects in terms of affordability, energy poverty, local (energy) communities, participation, accountability, and intergenerational fairness. From that perspective, just transition is also a legitimacy test.

discretionary power

› Blockchain-Enabled Energy Communities and Legal Personality of DAO

› Energy (in)justice in the EU legal framework for green hydrogen

› Making Power Purchase Agreements (PPAs) Work for Energy Security

› Structuring Trust: Making Wind Energy Bankable in EU Law

2. Six Perspectives on One Problem

Lucia Ruggeri opens the symposium by placing affordability at the centre of the legal debate. Her contribution asks whether the energy transition can be considered successful if electricity becomes unaffordable for many citizens. The strength of this question is that it unsettles the conventional separation between energy markets and social policy. Electricity is not treated as an ordinary commodity, but as a material precondition for dignity, social participation, access to digital services, and the effective enjoyment of fundamental rights. The merit-order pricing system, energy poverty, and energy communities are therefore not separate topics. They all concern the legal conditions under which the transition can remain socially legitimate. This framing is reinforced by scientific work on energy poverty and fuel poverty as injustice (Bouzarovski and Petrova, 2015; Walker and Day, 2012), and by EU legal recognition of renewable and citizen energy communities in the Renewable Energy Directive and Electricity Directive (EU) 2019/944.

Vanessa Ardila Ortiz shifts the analysis from affordability to investment to explore how wind energy becomes bankable under EU law. Her contribution examines the regulatory and contractual infrastructure through which public climate objectives are translated into investable projects. Legal instruments such as RED III, the European Wind Power Action Plan, the Clean Industrial Deal, the TEN-E Regulation, and official financing measures such as the EIB wind-manufacturing guarantee package construct an architecture of trust: permitting rules, public guarantees, infrastructure planning, supply-chain measures, Contracts for Difference, and Power Purchase Agreements. Her analysis shows that the energy transition depends on a

legal framework capable of lowering uncertainty without obscuring how risks are distributed between public authorities, private investors, consumers, and communities.

Onur Çağdaş Artantaş develops this point through the 2024 Electricity Market Design Reform. The reform comprises Directive (EU) 2024/1711 and Regulation (EU) 2024/1747. His contribution views the reform as a financial intervention: its aim is to create cash flows, reduce the cost of capital, and make renewable investment compatible with energy security. The analysis shows that PPAs, two-way CfDs, regional forward markets, public guarantee schemes, and grid investment are not marginal instruments but the legal-financial machinery of the transition. At the same time, the author identifies unresolved issues: small and medium-sized enterprises remain disadvantaged, guarantee schemes are fragmented, and coordination between PPAs and CfDs is incomplete. The 2026 Commission Recommendation on removing barriers to power purchase agreements and other energy purchase agreements confirms that these issues persist.

Yannick van den Berg brings the analysis back to energy justice through the example of green hydrogen. His contribution shows that a technology can be low-carbon and still raise serious justice concerns. Through the cases of Groningen, Morocco, and Western Sahara, he examines distributional, procedural, and recognition justice. The main finding is that EU hydrogen policy cannot be assessed only through aggregate climate, energy security, or industrial benefits. The EU Hydrogen Strategy and REPowerEU must also be read against local burdens, participation deficits, historical injustice, and the risk that vulnerable communities become extraction sites for a European transition from which they may benefit little. This is precisely where the language of a just transition should be

tested against implementation, not only policy aspiration.

Dmitri Chuprikov examines blockchain-enabled energy communities and the legal personality of Decentralized Autonomous Organizations (DAOs). His contribution questions what happens when energy governance moves onto digital, decentralised infrastructures. Smart contracts and distributed ledgers may support peer-to-peer trading and new forms of community organisation, but they do not remove the need for legal framing. Questions of liability, ownership, contractual capacity, creditor protection, governance, and regulatory accountability persist. The contribution is persuasive because it avoids technological determinism: decentralisation may change the infrastructure of governance, but it does not eliminate law. The analysis usefully sits alongside the UK Law Commission's DAO scoping paper and the COALA Model Law for DAOs, both of which illustrate the continuing search for workable legal wrappers or hybrid forms.

Jiada Domanico closes the symposium by examining climate due diligence and administrative discretion in light of the International Court of Justice advisory opinion on climate change. Her contribution asks how international climate obligations affect domestic public decision-making. Discretion is to a great extent used within a framework shaped by climate obligations, scientific evidence, human rights, and intergenerational equity. The ICJ Advisory Opinion on Obligations of States in respect of Climate Change is relevant as a source of legal pressure on how authorities justify planning, permitting, and choices prone to climate sensitivity. Renewable Energy Communities provide a useful example of how environmental objectives may redirect planning choices and reshape the balance between local discretion and broader climate commitments.

3. **Threads Connecting the Contributions**

Several threads connect the six contributions. The first is that justice is not external to energy law. It is not a corrective to be applied after markets, contracts, technologies, and infrastructure have already been designed. Justice is part of legal design itself. Affordability, participation, recognition, and access to energy determine whether the transition can claim democratic and social legitimacy. The Just Transition Fund Regulation captures one institutional expression of this concern, but the contributions show that the issue extends well beyond territorial compensation mechanisms.

The second thread is the changing role of private law. Contracts, financial guarantees, PPAs, CfDs, smart contracts, and energy-community structures are not neutral instruments. They allocate risks, organise expectations, and embed public objectives in private arrangements. The European Law of Transition therefore transforms private law by making it a vehicle for climate policy, energy security, industrial strategy, and social justice.

The third thread is institutional. The transition requires coordination between EU institutions, Member States, local authorities, courts, investors, consumers, and local communities. The same law that enables investment should also protect participation; the same regulatory frameworks that accelerate decarbonisation should also prevent the uneven distribution of burdens. Where public participation is concerned, the Aarhus Convention remains a central legal benchmark. The same point is also relevant for nuclear energy policy (Xhaferri, Doğan, Jara, Giardini, and Mengi. (2026), "Democratising the EU Nuclear Energy Policy through Energy Justice", in Phillips and Kaschny (eds), Global Perspectives on the Circular Economy in the Just Transition,

Palgrave Macmillan).

The fourth thread is the tension between ‘effectiveness’ and ‘legitimacy’. EU energy law seeks to advance deployment, reduce dependence on fossil fuels, mobilise capital, and strengthen strategic autonomy. A transition that is efficient but unaffordable, green but exclusionary, or fast but procedurally weak will be legally and politically fragile.

4. **Closing Remarks**

The European Law of Transition is still emerging. Energy transition transforms legal categories: commodity and right, market and public service, contract and regulation, technology and institution, discretion and obligation. The task ahead is to make transition fairer, more accountable, and more democratic. This symposium invites readers to reflect on how European energy law can support that task, and how legal scholarship can help ensure that the transition remains ‘green’ and ‘just’. Legal transformation should be analysed from various angles: market design, affordability, contractual risk, investment governance, hydrogen policy, digital communities, administrative discretion, and participation. Taken together, they make a strong case for treating justice as a constitutive element of the just and fair transition.

(Photo: Sophia Sideri)

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