

Security Council by invoking a right. However, critics base their arguments on the 1648 treaty of Westphalia, which states the rights of sovereign nations to act freely within their own borders. This is upheld in the UN Charter of 1945, where in article 2(7) it is stated that "nothing should authorize intervention in matters essentially within the domestic jurisdiction of any state." Thus, because both proponents and opponents of humanitarian intervention have their legal grounds on the charter of the United Nations, there is still an ongoing controversy as to whether sovereignty or humanitarian causes should prevail. The United Nations has also continuously been involved with issues related to humanitarian intervention, with the UN intervening in an increased number of conflicts within the borders of nations [7].

References

1. Charter of the United Nations.
2. Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v United States of America) (merits) [1986] ICJ Rep 14.
3. Nicaragua Case.
4. Motala Z. and ButtleRitchie D, Self-defense in International Law, The United Nations and the Bosnia Conflict. University of Pittsburgh Law Review, Volume 57, 1995-1996.
5. Ibid, paras 165 and 199.
6. Scheffer, David J. "Towards a Modern Doctrine of Humanitarian Intervention". University of Toledo Law Review. Vol 23. (1992).
7. To protect sovereignty or to protect lives? (2008, May 15). "The Economist".
8. https://en.wikipedia.org/wiki/Ukraine_and_the_United_Nations.

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GEORGIAN WAY TO JOIN EU- PRIORITIES AND CHALLENGES

First of all, we want to highlight the fact that our country aims to get more and more closer to European Union since its independence. In the Soviet Union there was not ability to succeed and develop, because of this nowadays for Georgia it is very important issue to get familiar with European values, culture, economic, political and other fields in order to maintain state strong and competitive on international level.

As we know, Negotiations between Georgia and the EU on "Association Agreement" officially launched in July 2010 (while Deep and Comprehensive Free Trade Area Component – December 2011). Negotiations ended in 2013 In July. The negotiations process involved all relevant Ministries. The Agreement is very ambitious; it covers not only democracy, rule of law, human rights – as essential aspects, but also includes chapters on foreign and security policy. What makes the agreement economically important, is that the Deep and Comprehensive Free Trade Agreement (DCFTA) part enables Georgia to reach very high level of economic integration with the EU. Based on the agreement parties agree on creating Association Agenda with short-term priorities which then serves as a basis document for Georgian government to create annual action plan for implementation

of the AA. Therefore, by offering the AA to Georgia the EU has created powerful tool, Georgia now has well- defined technical benchmarks for approximation with the EU *acquis communautaire*. Implementation of the Association Agreement requires significant commitment from Georgia and considerable administrative and financial resources.

Georgia's road in achieving considerably high level of integration with the EU has not been easy. Reforms undertaken have been directly linked to country's efforts to transition itself from the failing state of 90s to the up-and-coming democracy of the region. In Georgia's case the EU's conditionality principle has played an important role, however, for Georgia these reforms not only represent the way towards the EU but most importantly they represent the way towards better future. On the way of Europeanization Georgia has achieved two major success stories: signing the Association Agreement and receiving the Visa Liberalization.

Visa liberalization is another successful case of EU-Georgia's relations. Visa Facilitation agreement between EU and Georgia entered into force in 2011, setting a lower visa fee for Georgian citizens and facilitating the visa application procedures. Later in 2012 the EU started visa liberalization dialogue with Georgia, with the aim "to examine all the relevant conditions for visa-free travel to the EU for Georgian citizens." Since then four progress reports have been released by the European Commission, assessing the implementation of the Action Plan on Visa Liberalization (VLAP) by the Georgian government. The VLAP outlined the concrete benchmarks for Georgia to achieve, including document security, integrated border management, asylum, public security, fight against corruption, etc. In March 2017 the Council decided to grant Georgia visa-free travel to the Schengen Area. Regardless of these successes, Georgia still faces significant democratic, social and economic challenges. Georgia needs to address shortcomings regarding independence of judiciary system and rule of law. Country also needs to focus on building sustainable economic growth and diversification of its economy.

Receiving European perspective would be a very strong message for Georgia, as it would boost country's efforts in implementing various reforms while also giving them a basis to apply for a candidate status in future. With the candidate status Georgia could receive substantially more financial and political support from EU to implement reforms. The next Eastern Partnership summit should bring the new impetus for the EaP and to the most advanced countries a clear sign of the commitment to differentiation and "more for more" principle from the EU's side.

Georgia's benefits after Joining the EEC

Georgia was invited to join the EEC already in 2006 . But the cooperation did not happen. In 2007 Georgia received the observer status. In November 2010 the EC President encouraged Georgia "to formally apply for accession to the Energy Community. This would enable further deepening of our relations and reinforce Georgia's attractiveness for energy investments"²⁷. There was full silence in response to this invitation until 2013 – the subject has not been discussed on the government level, and it has not been featured in public discussions either.

During private discussions the Ministry and government representatives referred to two main factors:

1. Implementation of the EU third package might have threatened the supply of optional and additional gas through a South Caucasus pipeline under the transit agreement;

2. Operation of vertically integrated companies in the energy and gas sectors is a barrier for Georgia.

The long-term memorandums Georgia negotiated with them directly contradicts EU principles²⁸. Yet, this has never been officially put forward.

Georgian government, both the previous and the current, do not realize the importance of joining European Energy Community for reforming the energy sector, and attracting the investments in this sector on the one hand, and to accelerate the European integration process – on the other

European integration instrument

The energy sector is a basic one for the EU in terms of its expansion. In its 2014 report with regard to the expansion achievements and challenges, the EC underscores that “The Energy Community, which aims to expand the EU’s energy acquis to enlargement and neighborhood countries, should be further strengthened in the light of the EU’s security of supply concerns. This should be achieved by further promoting energy sector reforms in the participating countries, while also supporting the modernization and sustainability of their energy system and their full integration in the EU energy regulatory framework”²⁹. Currently the Georgian society is unaware of the benefits of EEC accession. Consequently, it is not involved in the debate on EEC, and not perceived it as an integral part of European Association. The EEC accession and introduction of appropriate legal framework in Georgia would enhance:

1) Creation of a modern and competitive energy system, its sustainability and the customers increased rights (strong independent regulatory authority, transparent and expenditure-based tariffs, unbundling and networks accessibility);

2) Increase transparency and cut down corruption in the sector;

3) Sustainability of energy system to internal and external factors;

4) Harmonization with European legislation on environmental protection and its execution;

5) Creation of sustainable low-E green energy system, which will contribute to safe delivery – reducing energy consumption through the introduction of renewable energy and energy-efficient systems;

6) Investments in the energy system from European and other investors, including the European Investment Bank, which will boost employment, particularly in renewable energy and energy efficient sectors;

7) Play important role in implementation of the Association Agreement in long-term perspective, will contribute to Georgia’s integration in pan-European energy market.

It is noteworthy that having Georgia among its members of the Energy Community, the EU will have to respond adequately to Russia’s actions on Georgia’s occupied territories

EU directives and Georgia’s Institutional and Legal Environment

Relations between Georgia and the EU gained in momentum after signing the association agreement. EU Georgia Association agreement and its core part a Deep and Comprehensive Free Trade Area (DCFTA) aims to deepen political and economic relations between Georgia and the EU and to gradually integrate Georgia into the EU Internal Market. In this chapter, we will describe Georgia’s institutional and legal environment in comparison of EU directive’s requirements on energy and environmental sector, as well as will try to analyze, what are the major problems

and how to address them. The EU member states shall have a five-level legislative structure: European law (comprises the directives and regulations), basic laws of the state, decrees, decisions of regulatory authority and other agreements (e.g. agreement on accession to the network, an agreement on the use of the electric power system etc.).

A directive is the EU legal instrument that applies to all member states. The directive only indicates the goal and the legal status to be achieved. Member states choose themselves how to reach the goal within the deadline set forth in the directive. A directive is a guidance document, and although it is not a regulation it contains detailed description of the requirements that the state's energy system should meet. Besides, the directives in given European state shall be translated into national legislation.

Georgia's accession in the European Energy Community is a special case, while it is an isolated energy system from EnC member countries. Georgia is more integrated with the energy systems of neighboring countries' and in case of emergency situations in their energy system, these countries can help each other. In similar case, if any member of Energy Community faces serious disturbance to the energy networks that cannot be handled at the national level, EnC obliges all member states to help the state in need in the framework of the mutual assistance mechanism². Due to the fact that Georgia is not contiguous with Europe, mutual assistance mechanism for Georgia needs to be exceptionally considered. On the other hand, joining to the EnC can lead to more transparent and clear rules of play on the energy market, greater competition and efficiency among domestic producers in Georgia in line with the principles of European energy market. However, close energy ties with neighboring countries cannot be rejected and must be taken into consideration.

Conclusion and Recommendations

Georgia aims to further deepen relationship with EU which should be considered important policy decision for the long-term development of the country. New cooperation possibilities for Georgia is expected to support reforms in broad range of areas which will accelerate economic growth, faster democratization processes and maintain eventual membership of EU. In this direction harmonization of Georgian energy sector with European Energy Community is a promising long-term strategy to ensure sustainable development of energy sector, security of supply and competition. As an observer country in the EnC, Georgia expresses its interest to become full member of the Energy Community. In this case, Georgia will be required to harmonize its energy legislation and create new market frameworks in line with EU Energy Acquis. Taking into consideration country specific issues such as isolated energy system from EnC member countries, obligations with energy companies operating in Georgia, approximation processes will be challenging. However, in some cases Georgia is able to request for derogations specific issues for certain period of time. This will allow Georgia to implement EU Energy Acquis sequentially not harming public and energy companies' interests. Based on the study following actions are recommended in order to foster harmonization process between Georgia and EU Energy Community:

- 1) to unbundle competitive activities (generation and supply) from natural monopoly activities (transmission and distribution) in the electricity and natural gas sector based on the options presented in the EU Energy Acquis;

- 2) to implement competitive energy trading mechanism in order to encourage competition in the market;
- 3) to increase transparency in the electricity and natural gas sectors;
- 4) to define vulnerable customers in order to subsidize their energy bills;
- 5) to develop and to enforce National Energy Efficiency Action Plan (NEEAP);
- 6) to develop and to enforce National Renewable Energy Action Plan (NREAP);
- 7) to develop and to enforce Renewable Energy Law;
- 8) to develop and to enforce Energy Efficiency Law;
- 9) to develop energy audit for old and new buildings.

References

1. Directive 2010/31/EU on the energy performance of buildings
2. Regulation (EC) No 715/2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005
3. Regulation (EC) No 714/2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003
4. Treaty establishing the Energy Community
5. Draft Energy Policy of Georgia, Ministry of Energy of Georgia, www.energy.gov.ge
6. Socio-Economic Development Strategy of Georgia (Georgia 2020), Ministry of Finance of Georgia, July, 2014.
7. http://www.academia.edu/2174668/EnergyCommunity_as_a_promoter_of_the_European_Unions_energy_acquis_to_its_Neighbourhood
8. http://www.pism.pl/files/?id_plik=10131
9. http://www.energycommunity.org/portal/page/portal/ENC_HOME/ENERGY_COMMUNITY/What_we_do.