



Electricity and Gas Supply Network Unbundling in Germany, Great Britain and The Netherlands and the Law of the European Union: A Comparison (Energy & Law)

Eckart Ehlers

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This book analyzes the legality of energy supply network divestiture as threatened by the European Commission and the legislative unbundling measures which entered into force in summer 2009, in each case on the basis of European economic regulation competences. EC competition law and the question as to whether the European Union is allowed to exercise its competence to legislate for further unbundling measures are one focus of the discussion, which relies extensively on economic evidence and reasoning. Another focus is the question of whether these measures are in breach of economic fundamental rights as recognized by the European Union. The book also deals with the extent to which the implementation of these legislative unbundling measures (in particular ownership unbundling and independent system operation) complies with the constitutional frameworks of Germany, Great Britain, and The Netherlands. In all the jurisdictions discussed, the distinction is made between private and public undertakings where relevant. The final section draws comparative conclusions and lessons.

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