

# Cuadernos Europeos de Deusto

No. 68/2023

DOI: <https://doi.org/10.18543/ced682023>

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## INTRODUCTION

Beatriz Pérez de las Heras

doi: <https://doi.org/10.18543/ced.2696>

E-published: April 2023

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# Introduction

Beatriz Pérez de las Heras

Editor-in-Chief of *Deusto Journal of European Studies*

beatriz.perez@deusto.es

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**Abstract:** The European Union (EU) began the year 2023 with an agenda of objectives and challenges conditioned by the war in Ukraine and its consequences. The impact of the conflict has highlighted the need to achieve energy independence, increase defence capabilities and advance in the area of asylum, areas in which the EU will have to continue taking important steps in the coming months in line with those adopted in 2022. In addition, the year 2023 marks the last stretch of the current European institutional cycle, before the European Parliament elections in May 2024, as well as the last year in which Next Generation EU funds will be available to Member States.

With regard to Spain, its European policy will be determined by the exercise of the Presidency of the EU Council during the second semester of 2023. From this position, Spain assumes the responsibility of promoting the negotiations and achieving the necessary consensus on the EU priority work areas, such as the ecological transition, the digital transformation and the social agenda, among others. Likewise, the fifth Spanish presidency of the EU Council will coincide with a key moment in the implementation of the national recovery plans, since, as mentioned above, the assigned European resources must be fully committed by the end of 2023.

With these perspectives and in a still uncertain and changing geopolitical context, this miscellaneous number 68/2023 of *Deusto Journal of European Studies* includes various contributions that address some of the most relevant challenges currently facing the EU, in particular, the climate and energy crisis. This first issue of 2023 also includes the usual chronicles of jurisprudence and current events in Europe signed by our faithful and valued collaborators, David Ordóñez Solís and Beatriz Iñárritu.

**Keywords:** climate change, 2030 targets, strategic energy autonomy, spheres of influence, Kazakhstan, foreign affairs, Road and Belt Initiative, Indo-Pacific cooperation, artificial intelligence, ethical principles, right to a tribunal established by law, procedure of appointment.

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**Asier García Lupiola**, PhD Researcher and Lecturer at the Faculty of Economics and Business of the University of the Basque Country (UPV/EHU), offers an in-depth analysis of the evolution of EU climate and energy policy.

Under the title, “New strategies of the European Union to tackle the double challenge of the climate crisis and energy dependence”, the author describes in detail the measures recently taken by the EU to comply with its international climate commitments, as well as its own objectives for 2030 and 2050. The study highlights how since the entry into force of the Lisbon Treaty (2009), the EU has developed a more integrated environment, climate and energy policy, which is enabling the promotion of renewable energy and energy efficiency, key elements to combat climate change and achieve energy independence. In this context, after assessing the degree of compliance with the 2020 climate and energy objectives, the analysis focuses on the objectives for 2030. Set in 2014, the 2030 objectives for reducing emissions, promoting renewable energy and increasing energy efficiency have been progressively adjusted by the EU in recent years in order to respond to its international commitments and its own more ambitious decarbonisation goals for 2030, on the path towards climate neutrality in 2050. The analysis concludes that this horizon, coupled with the energy crisis generated by the war in Ukraine, encourages the EU to continue adopting measures to accelerate the ecological transition and achieve energy independence.

**Ottavio Quirico**, Senior Researcher in the Department of Humanities and Social Sciences at Perugia University for Foreigners and Associate Professor at the University of New England, Law School and Australian National University Centre for European Studies, addresses the EU strategic autonomy in energy matters and within the context of the energy crisis generated by the Russian invasion of Ukraine. Entitled “The European Green Deal: a gateway to strategic energy autonomy?”, the study highlights that the war in Ukraine is an example of how energy supply can be used as a weapon to create political dependency beyond the sovereign borders of a State. After delving into the scholarly theories that advocate energy diversification or the acceleration of the green transition as alternative ways for the EU to escape from the Russian sphere of influence, the author argues that both paths are complementary, rather than disjunctive. In this sense, it concludes that in order to achieve strategic autonomy in the energy field, the EU and its Member States must diversify energy sources, while implementing the European Green Deal by promoting measures such as those provided for in the “Fit for 55” legislative package and the most recent ones proposed by the REPowerEU Plan initiative.

**Francisco Javier Martín Jiménez**, Associate Professor at the Pontifical University of Salamanca, offers an analysis on the need to normalize essential ethical principles in the use of Artificial Intelligence (AI) in the EU context. Under the title “Artificial intelligence and ethics: towards an application of ethical principles in the EU’ level”, the article

begins by highlighting the opportunities that AI systems provide in numerous areas, such as health, transport or the environment. As a counterpoint, the risks of using these informatic tools are also highlighted, mainly in terms of fundamental rights protection and security for users of products and services. Faced with these growing threats, the study advocates for ethical responses, shelling out with the support of the doctrine some ethical principles that could serve as reference pillars for IA producers and applicators. However, beyond doctrinal identification, ethical principles must be incorporated into mandatory legal regulations for their effective application. In this vein, the author considers that the proposed EU Regulation on AI marks the way forward, by pursuing safe, reliable and ethical AI as the ultimate goal.

**María Valle Camacho**, Double Degree in Law and Business from the University of Córdoba, offers an analysis of the recent case law of the European Court of Human Rights (ECHR) and the Court of Justice of the EU (CJEU) on the scope of the right to a court established by law, as part of the fundamental right to effective judicial protection. With the title “The right to a tribunal established by law and the judicial appointment procedure: new developments through the ECHR and the CJEU’s case-law”, the study highlights how recent sentences of both courts agree on interpreting that the right to a statutory court requires compliance not only with national rules governing the composition and functioning of a court, but also with those governing the procedure for appointing judges. The jurisprudential evolution of both European instances has not been accidental, as the author points out, since it is fostered by the growing deterioration of the rule of law in some European countries, such as Poland, where legislative reforms introduced by ultra-conservative governments have ended up affecting independence higher courts, such as the Constitutional Court and the Supreme Court. The article concludes that, despite the fact that aspects of this right remain to be specified, recent jurisprudential developments point to a shared understanding between the ECHR and the CJEU regarding the requirement that a court be established by law.

**Pornchai Wisuttisak**, Associate Professor at the Faculty of Law of Chiang Mai University (Thailand), **Nisit Phantamitr**, Associate Professor and Director of the Centre on ASEAN Studies at Chiang Mai University, and **Sang Chul Park**, Professor at Graduate School of Knowledge-based Technology and Energy (Korea Tech University), examine China’s Belt & Road Initiative (BRI) and the EU’s cooperation policy in Asia, while assessing its growing contribution to the development of Asian countries. With the title “China-BRI, EU Indo-Pacific cooperation and Asia”, the analysis begins by highlighting how the BRI is an indicator of China’s transformation into an economic and commercial power over the last 20

years. Progressively spreading across Asia, the initiative aims to connect global trade and investment with the Chinese economy. The EU, for its part, has been implementing trade, investment and direct cooperation policies in Asia for decades. China and the EU have therefore become the main sources of international cooperation for Asia, albeit with different approaches. Thus, while EU assistance is conditional on achieving objectives of democratic governance, improvement of human rights and environmental protection, China gives priority to infrastructure development to reduce poverty, without demanding political, legal and social reforms. The authors argue that both powers, China and the EU, could jointly cooperate and coordinate their assistance to Asia, as they pursue the same goal of promoting sustainable and socially inclusive development in the region. To do this, however, they will have to overcome some obstacles, such as the growing interest of the EU in Indo-Pacific cooperation with countries such as the United States, Japan, Australia and India, considered a direct competitor to China's economic presence in Asia. The article concludes by proposing some recommendations to align cooperation between China and the EU for the sustainable and peaceful development of Asia.

**Ganiy M. Karasayev, Zhandos N. Zhaxygeldinov and Alima M. Auanasova** from the Institute of State History, **Bekmurat R. Naimanbayev** from the South Kazakhstan State Pedagogical University, and **Gizatulla Kh. Khalidullin**, from the Abai Kazakh National Pedagogical University, delve into the history of relations between the EU and Kazakhstan. Under the title, “History of European Union-Kazakhstan relations (1991-2001)”, the analysis begins in 1993, highlighting the main elements of political, economic, commercial and investment cooperation developed within the framework of the Association Agreement and Cooperation, in force since July 1, 1999. The study notes that at the same time that Kazakhstan has strengthened its ties with the EU since the breakup of the Soviet Union, the country has also established its own alliances with Central Asian states. Looking to the future, this strategic geopolitical position of Kazakhstan could, according to the authors, constitute a key bridge in the relations between Europe and Asia.

## About the autor

**Beatriz Pérez de las Heras** is Professor of European Union Law and Jean Monnet Chair on European Integration at the University of Deusto (UD). PhD in Law (UD), she accomplished post-graduate studies at the Centre Européen Universitaire de Nancy (France), where she obtained the

DESS and DEA en Droit Communautaire. She was Director of the European Studies Institute at UD from 1996 to 2009, and Academic Coordinator of the Jean Monnet Centre of Excellence on European Union Law and International Relations from 2013 to 2016. She also served as Vice-Dean for Research and International Relations at Deusto Faculty of Law from 2013 to 2015. She has been a visiting scholar at the Universities of Oregon (2009), Georgetown (2012), Fordham (2013), Boston College (2014) and Florida International University (2016). She is currently Editor-in- Chief of *Deusto Journal of European Studies* and Main Researcher of the “Integración Europea y Derecho Patrimonial” research team. She is author of various books and articles on European legal issues. As of September 2019, she is the Coordinator of the Jean Monnet Project “European Union-Asia Pacific Dialogue: promoting European Integration and mutual Knowledge across Continents” (EUNAP).