



Securitization and state encroachment on the energy sector: Politics of exception in Poland's energy governance

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ABSTRACT

As energy security becomes a key topic of policy debates, not least in Central and Eastern European states, which are vulnerable to gas supply disruptions from Russia, it has been suggested that EU energy policy becomes 'securitized'. However, full securitization attempts, which not only identify threats but also call for exceptional measures to deal with them, are relatively rare in the energy sector. Why do governmental actors initiate securitizing moves aimed at implementing exceptional measures in the energy sector, and what explains the acceptance of certain moves or measures and dismissal of others? This paper looks at Poland, comparing two examples of such moves. Drawing on a primary document analysis, the paper shows how a shared socio-technical imaginary provided an anchor for the successful securitization of the nuclear project, while liberal market discourses limited audience acceptance of the securitizing move in the power sector. Securitization appears to be a mechanism triggered when core state powers over energy are challenged from below (civil society, market actors) and above (supranational institutions), particularly in already securitized contexts. The paper concludes with the value added of Securitization Theory for energy policy studies and lays out a Critical Energy Security Studies agenda, which can build on it.

1. Introduction

First coined in response to the shock of the 1973 Oil Crisis, the concept of "energy security" functioned as a specialist term for over two decades and began to gain broader prominence only in the 2000s (Jewell and Brutschin, 2019; Kester, 2018; Szulecki, 2017). Importantly, energy security is at the same time a *characteristic of energy systems*, perhaps best understood as their low-vulnerability (Cherp and Jewell, 2014, 2013), and a *rhetorical commonplace* employed by experts, policymakers, journalists, etc. As a rhetorical commonplace, it is invoked to justify certain actions in its name, to explain decisions, to legitimize policies, or simply to make things sound important. Acting in the name of energy security, like in the name of *raison d'état*, or "national interest" or "the people" – is all in fact a continuous exercise in constructing energy security as a relational notion emerging in the contextual interplay of a particular event.

This dual nature of the energy security concept remains outside the scope of most political science and energy studies analyses. As Cherp and Jewell note (Cherp and Jewell, 2011, p. 210), "there is virtually no research" on the interaction between the "analysis of vulnerabilities of energy systems and policy narratives about risks and response

capacities. At the same time, such narratives are often used in both setting the agenda of energy security research and interpreting the results". More recently, Jewell and Brutschin identified a gap between energy security rhetoric and action, suggesting that the reasons for employing security references in particular energy governance contexts require a more thorough investigation, and "there is far too little research which documents how actors use energy security to advance their own agendas at the national level" (2019, p. 19). All these authors point to *securitization* as a concept which can be useful for such analyses (Cherp and Jewell, 2014; Jewell and Brutschin, 2019).

The original proponents of the securitization concept within Security Studies – Buzan and Wæver – define it as "the discursive process through which an intersubjective understanding is constructed within a political community to treat something as an existential threat [...] and to enable a call for urgent and exceptional measures to deal with the threat" (2003, p. 491). Meanwhile, most energy policy research has been making only loose references to Securitization Theory (Bridge, 2015; Nyman, 2013; Nyman and Zeng, 2016; Özcan, 2013), focusing instead on the apparent increase in references to "energy security", providing summaries of the positions of key stakeholders. Thus the notion of increasing energy securitization in the EU became something of an

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orthodoxy (Boersma and Goldthau, 2017; Hofmann and Staeger, 2019; Judge and Maltby, 2017; Khrushcheva, 2011; Natorski and Herranz Surrallés, 2008; Siddi, 2017a).

The results are problematic in two ways. Firstly, the concept of “energy security” is not necessarily implying the presence of any existential threat and often functions in technical and visibly *desecuritized* contexts, putting in question the thesis that energy is indeed becoming securitized in the EU and elsewhere (Szulecki, 2017). Secondly, while the securitizing speech act – a reference to security, identification of a threat, and a referent object to be protected – are significant and can alter political reality, within which energy policy is forged, very few studies of energy policy to date have paid attention to the other part of a securitizing move, namely – urgent and *exceptional measures* proposed to deal with the threat.

This paper argues for the need to move the study of energy securitization beyond the relative frequencies of utterances of “security” in energy policy debates (Heinrich and Szulecki, 2017), and instead underline the politically performative aspect of securitizing energy, resulting from the declaration of existential threat and “the generation of the capacity to break free of the rules of ‘normal’ politics” (Williams, 2015, p. 115). Securitization, Williams emphasizes, is “above all political” and its focus is most importantly on what security *does*. While the increased interest in energy security – even if it does not always directly lead to policy change – is important, there is a whole realm of questions related to the way energy security rhetoric can empower, frame, distract, or insulate certain stakeholders within energy governance with direct political implications. This realm has remained largely unexplored to date.

Why do governmental actors initiate securitizing moves aimed at implementing exceptional measures in the energy sector, and what explains the acceptance of certain moves or measures and dismissal of others? To shed light on this, the analysis that follows focuses on Poland – a country which can be considered a most likely case of energy securitization, since it is one of the most vocal proponents of a more “geopolitical” approach to energy security in the EU (Fischhendler, 2018; Jewell and Brutschin, 2019). However, even there, earlier research has identified relatively few full-fledged securitization attempts, ones clearly identifying an existential threat to a particular energy-related referent object and proposing exceptional measures to deal with it. The paper explores two instances of such securitizing moves. One is a case of successful securitization in the nuclear sector, leading to the introduction of exceptional measures in the strict sense, i. e. increasing the competences of state security services. The other illustrates a securitizing move and pushback on the state/market interface in the electricity production sector.

The broader argument flowing from the analysis is that rather than using securitization as a mere description of a discursive shift in EU debates or conversely, in an agency-centered mode of reasoning, for conspiratorial thinking about elites, it is best to see it as a social mechanism occurring more broadly (Guzzini, 2011), as a response of states who in the energy sector see a challenge to their core powers. In the Polish case analyzed, we see that the real “threats” which exceptional measures are targeting come from *below* and *above* – from the civil society, market logics and supranational actors. The paper therefore proposes seeing energy securitization as an element of *state encroachment* on the energy sector and concludes with a plea for more research taking on questions of sovereignty, exceptional measures and normative consequences of energy policy choices – in a postulated Critical Energy Security Studies agenda.

2. Theoretical framework: securitization in the energy sector

2.1. Securitization

This paper departs from the observation that despite the popularity of energy security in Europe, few studies have treated the idea of energy

securitization seriously. The visibly loose and imprecise approach to the concept in the field of energy studies renders a rather messy picture, where “securitization” is taken to simply mean making references to security, or in the case of energy “the process whereby particular groups develop the level of energy security they desire and maintaining this over time” (Bridge et al., 2018, p. 201), a definition bearing little resemblance to the concept’s Security Studies legacy.

The point here is not theoretical fundamentalism, asking to “return to the roots” of the concept for the dogma’s sake. It is rather that Securitization Theory deals with a phenomenon which has significant repercussions for democratic politics, and if indeed securitization in the energy sector is excessive, we should be worried. The dominant view of security in this tradition is thus *negative*, and the “debates over the connection between securitization and the politics of exception have (understandably) consistently been cast in a negative light” (Williams, 2015, p. 115). The securitization approach, writes Wæver, “points to the inherently political nature of any designation of security issues and thus it puts an ethical question at the feet of analysts, decision-makers and activists alike: why do you call this a security issue? What are the implications of doing this – or of not doing it?” (1999, p. 334).

Securitization, as defined by Buzan and Wæver (2003), presents a process of security construction and consists of several major components. In a first step, a *securitizing actor* constructs a *referent object* and *threat narrative* claiming the existence of an *existential threat* to the survival of this referent object. This narrative is then presented in a *speech act* to an *audience* recommending *exceptional measures* which would break the normal rules of the game for security reasons. This represents a full securitization attempt – a move which, if accepted, leads to successful securitization (Buzan et al., 1998, 25, 31; Buzan and Wæver, 2003, p. 71).

The main underlying hypothesis is that identifying an existential threat and calling up security aims to remove an issue area from the sphere of political deliberation and into the sphere of *exception*. Growing out of the immense Cold War era securitization of domestic, transnational, and international politics, the concept of (de)securitization as advanced in the early writings of Wæver (1989, 1995), put much emphasis on that normative and policy dimension of security talk. Wæver’s entry point was critical both of the political and the academic treatment of “security”, which he perceived as doubly problematic. Firstly, in the way security is portrayed as something having a real existence irrespective of political discussions, and secondly, being inherently a “good thing”, with security maximization as a naturalized policy goal (Wæver, 1989). The so-called Copenhagen School of critical security studies was thus advancing a new approach to security on both ontological, epistemological, - and political grounds. Security is not an objective thing it comes into being through speech, and thus the utterance is its primary reality. The underlying value commitment of Securitization Theory is the problematization of instances where security is being invoked, understanding that speech acts have a purpose and securitization, as the Cold War era has shown, can be a means of limiting (democratic) political oversight. This explicitly political edge to the concept is sometimes criticized, which is paradoxical, according to Wæver, since “it is exactly one of the advantages of the approach to open up those kinds of questions” (1999, p. 334).

2.2. Politics of exception in energy governance

Existing studies of securitization in European energy policy show an increase in security rhetoric, but rarely find traces of exceptional politics resulting from securitizing moves, suggesting that in the EU arena “framing energy as a security issue contributed to a reinforcement of the discourses in favor of maintaining energy policies in a predominantly intergovernmental framework” (Natorski and Herranz Surrallés, 2008, p. 84), and that conceptual ambiguities of EU discourses have “politicized rather than securitized energy policy” (Hofmann and Staeger, 2019, p. 18). Quasi-ritualized references to energy security, securitizing

moves without a call to action can be termed *security jargon* (Heinrich and Szulecki, 2017, p. 47) or *tactical securitization* (Fischhendler, 2015, p. 247). A research project analyzing energy security debates in two EU countries across three energy sectors has found that energy security references, while indeed frequent, constitute a ritualized practice, often without any securitizing aims, and full-fledged securitization attempts are very rare (Heinrich, 2017; Lis, 2017; Szulecki and Kuszniur, 2017). Analyses of actual securitizing moves justifying exceptional measures tend to require much more fine-grained, micro-level analyses of national and subnational policy debates (Christou and Adamides, 2013; Fischhendler et al., 2015; Fischhendler and Nathan, 2014).

Carl Schmitt (2008) famously stated that “sovereign is [he] who decides on the [state of] exception” (Ausnahmestand). Governments, companies or other relevant actors exercise sovereignty in an issue area by deciding over its exception from regular policymaking. Giorgio Agamben (2005) conceptualized the state of exception as a particular paradigm of government. Drawing on both Agamben and Schmitt allows us to understand what these special measures of “exception” may imply in political processes and what that means for the Arendtian vision of politics underpinning Securitization Theory (Hansen, 2012; Wæver, 2011; Williams, 2015).

Narrowing down exceptional measures to military interventions (as proposed e.g. by Nyman, 2013) excludes most of what might be interesting in energy securitization, if we move beyond the narrow classic focus on the international politics of oil, and blunts the theory’s critical and political-normative edge. Kuzemko (2014, p. 260) proposes to see exceptional measures as a “break with previous political practice” which “at once both reduces government responsibility for policy while also leaving it less subject to political discretions, deliberations and interventions” (2014, p. 261). Similarly, Salter (2011, p. 121) claims that “ordinary measures”, which do not break the rules of the normal political process, also make for securitization as long as there is some public policy change, either in discourse, budget, or in actual policy, such as the granting of new or emergency executive powers. Fischhendler in turn emphasizes organizational and institutional change such as concrete infrastructures that aim to protect the referent object or institutional mechanisms to counter perceived threats (e.g., special representatives or committees, exclusion of public stakeholders from governance, civilian disengagement) (Fischhendler, 2015).

Understanding energy policy as a public policy, where transparency, rule of law, and democratic oversight are important values and where societal welfare is the ultimate governance goal, Heinrich and Szulecki have proposed a tripartite conceptualization of exceptional measures (2017, p. 41): (1) breaking norms, that is explicit or implicit prescriptions about “how things are done”, (2) shifting competences and power towards the executive, and (3) withholding or limiting information. The analysis that follows builds on this typology of exceptional measures, understanding that the three do not have to occur together; either of these qualifies as exceptional measures in the analysis, if it is legitimized by reference to security.

2.3. Why securitizing attempts succeed or fail: Audience acceptance

The overall research question this analysis seeks to answer is: Why do governmental actors initiate securitizing moves aimed at implementing exceptional measures in the energy sector, and what explains the acceptance of certain moves or measures and dismissal of others? To answer the second part, we need a deeper theorization of what can account for the acceptance of a securitization attempt or push back against it.

An important factor which can enhance audience acceptance and facilitate securitization in some contexts is the broader national security imaginary and energy security discourses. Fischhendler et al. (2015) point to the fundamental importance of these discourses that dominate other debates, serving as a reservoir of narratives and rhetorical commonplaces that spark securitization in areas far from usual security

concern.

Meanwhile, challenges to securitizing moves require a closer look at audiences. The focus on and extensive theorization of audiences is the most obvious way in which most “sociological” approaches depart from the Copenhagen School by paying greater attention to power relations between securitizing actors and audiences (Balzacq, 2011). Not only do different audiences play different roles, they also have different kinds of relationship with securitizing actors. These are structured by both formal and informal power relations, which, in most cases, pre-date attempts at securitization and are often institutionalized within particular political systems even if one of the possible outcomes of securitization is that those power relations are subject to change (Judge et al., 2017, p. 163).

The relations between actors and audiences should not be understood in a static and unidirectional manner, where a securitizing actor has the power to compel or influence different audiences to varying degrees (Wæver, 2011, p. 468). Instead, it is important to recognize, as Côté (2016) argues, that audiences are active agents that can contest, develop, and potentially transform securitizing moves in a process of deliberation. There are two explanatory factors that logically follow from Côté’s proposal. Firstly, if audience acceptance or lack thereof follows a deliberative process, space for deliberation must first be open. While securitizing moves can be overt, the exceptional measures following can often be insulated from public scrutiny already – so the attention paid by different non-governmental actors of the issue area can potentially explain the emergence of challenges to both moves and measures. Secondly, Côté suggests that if audiences are actors, their identities will matter in the iterative process of securitization. We can assume that actors in a sector, e.g. energy policy, whose self-identifications, values and roles are visibly different from those of the securitizing actors, will oppose securitization attempts and articulate alternative conceptions of (energy) security.

3. Case selection and method

In European energy policy analyses, Central and Eastern European (CEE) countries are usually portrayed as those that show a “geopolitical” and possibly “securitized” approach to energy (Jewell and Brutschin, 2019; Judge and Maltby, 2017). This is displayed by their insistence on introducing collective energy security mechanisms, and more often, in portraying Europe’s reliance of natural gas imports from Russia as a security concern or outright threat (Brutschin, 2016; Siddi, 2017b). Among these, Poland is perhaps the most vocal, and Polish politicians have made several attempts at putting gas supply security concerns at the top of EU agenda, with the 2014 initial “Energy Union” proposal arguably the most successful (Szulecki et al., 2016). If we are to look for cases of energy securitization, Poland appears to be the best place to start searching.

The cases of energy securitizing moves on the level of specific sectors were selected based on data gathered in a three-year project “Towards a common European Energy policy? Energy security debates in Poland and Germany”, involving a broad media analysis as well as 39 interviews with Polish energy sector experts and stakeholders.¹ The research on Poland found surprisingly few instances in which a securitization attempt, both comprised the identification of an existential threat to a referent object articulated in an air of urgency and suggested extraordinary measures to deal with it (Heinrich, 2017; Szulecki and Kuszniur, 2017). The analysis that follows looks at two such attempts, selected

¹ For a detailed description of the operationalization of theoretical concepts, methods applied, data gathering procedures and interviews questions as well as respondents list see: ‘Documentation of data collection’, available at: http://www.forschungsstelle.uni-bremen.de/UserFiles/file/04-Forschung/documentation_data-collection.pdf. The project was financially supported by the German-Polish Science Foundation (Grant Nr. 2014–15).

because of the variation in visible audience acceptance: the securitization of Poland's nuclear energy program and the securitizing move in the power sector.

To answer the research question, in the Polish case, I conduct an analysis of political rhetoric aimed at securitization and trace the reactions – both in terms of audience acceptance or pushback and the consequences of securitizing moves in exceptional measures adopted. According to the notion that a “geopolitical” energy policy paradigm is by definition securitized, we can hypothesize that external (“geopolitical”) threats and foreign policy justifications should play an important role and explain the reasons behind securitizing moves, and that governmental actors should seek the securitization of sectors and issues which display (or are perceived as displaying) vulnerabilities related to international supply chains.

The discussion compares what threats were presented, how they were framed, what the referent objects to be secured were, and suggests which elements can account for the acceptance of one securitizing attempt and the partial failure of the other. Apart from the data gathered within the aforementioned project, additional material was obtained through media analysis as well as from primary documents (including transcripts of parliamentary committee hearings, as well as internal energy company documentation).

4. (De)securitizing energy: acceptance and rejection of exceptional measures in polish energy debates

4.1. Securitization and Poland's nuclear program

Plans for joining the nuclear energy club first appeared in Poland in the 1960s, when the Communist party leadership under Władysław Gomułka began to consider the possibility of constructing nuclear power plants (NPP) based on a British design (Borewicz et al., 2019). The ground for this was laid by the opening of an experimental reactor “Ewa” in Świerk near Warsaw in 1958, which allowed Poland to build up domestic know-how and train nuclear physicists and engineers. More concrete plans emerged in the late 1970s. Several locations for at least three initial nuclear power plants were explored, with Żarnowiec near Gdańsk, Klempicz near Poznań and Lake Kopań on the Baltic coast near Darłowo finally selected. The decision to start the construction of the first plant at Żarnowiec was taken during the Martial Law, the “state of emergency” introduced by the Communist authorities cracking down on the “Solidarity” trade union in December 1981. The Martial Law, apart from introducing a curfew and taming any political opposition, militarized workplaces and allowed more top-down governance without any sort of societal consultation – so the decision to build an NPP was initially not contested.

However, when opposition movements re-emerged and began to take up environmental issues as new, seemingly apolitical platforms for protest, particularly in the aftermath of the 1986 Chernobyl catastrophe in the Soviet Union, the Polish nuclear program became a key issue around which domestic dissent mobilized. After a campaign of unprecedented length and scale, the authorities first abandoned the plans to build at Kopań and Klempicz, and then, after the negotiated regime change in 1989, the Żarnowiec NPP construction was stopped in 1990 even though significant parts of the site were already built (Szulecki et al., 2015). This resulted in a moratorium on nuclear energy, and all projects were shelved for fifteen years.

The idea of building an NPP returned in 2005, first only as a suggestion in a document by the Ministry of Economy. The way the issue was introduced turned out to be symptomatic of the technocratic energy governance approach, which would later become characteristic for Poland's nuclear energy projects (Stankiewicz, 2014). First, the need for nuclear as a guarantor of energy security and decarbonization was stated, a provisional date for building the first reactors (2020–21) set, and then the problem of societal resistance signaled as a major challenge (Ministerstwo Gospodarki i Pracy, 2005, p. 1454). A five-year social

communication campaign was envisaged to deal with that obstacle.

Poland's political elite, though usually quite polarized, appeared to be unanimous in its support for the country's nuclear ambitions, seeing them as “progressive” and important for modernizing the economy. The right-wing Law and Justice (PiS) party leader, Jarosław Kaczyński declared before the 2005 elections where his party took power: “Poland needs a nuclear power plant, because nuclear energy has a future, and its generation occurs under safe conditions. That is why, the things that the environmentalists are doing can be called hysterical. A modern state, caring for its energy security, should have an atomic power plant” (Dudała, 2005). When PiS stepped down and the centrist Civic Platform (PO) took over after snap elections in 2007, the course and broader mind-set did not change. The only visible difference between the two parties in the emerging political duopoly was on how to finance the NPP. The liberal PO leader Donald Tusk, introducing intensive work on the nuclear project, claimed that the plant would be financed from private sources: “I do not believe that the state would build such a plant with its money. We know that the energy sector is increasingly a domain of private investment” (Money.pl, 2008). Those hopes turned out futile and the state soon stepped in, following the strategic document *Poland's Energy policy until 2030* published in 2009 (Rada Ministrów, 2009), which again proclaimed nuclear energy as key for power source diversification and state energy security.

Early on, the policymakers became aware that achieving the goal of constructing Poland's first nuclear power plant required a number of measures going beyond the usual practice of liberal democratic politics. Security was to justify these. The exceptional measures proposed fell into three categories: undermining the transparency and good practices of public administration in the energy sector, active measures to limit an open debate on nuclear energy and finally, increased competences of the state secret service – the Internal Security Agency.

In 2012 Tusk nominated his long-term colleague, Aleksander Grad, for the post of director in Poland's major utilities – Polish Energy Group (*Polska Grupa Energetyczna* – PGE) daughter companies PGE Nuclear Energy and PGE Nuclear Plant 1. Moving an active politician to a (partly) private business company created a peculiar personal public-private union, and the PM justified it by saying that the “state's engagement and strict political oversight on nuclear energy development is absolutely necessary” (Wprost, 2012). To the growing concerns about the project's economic viability, the Prime Minister replied: “building security has to come at a cost and the role of the state is to design market regulation that will minimize economic risks” (Forbes, 2013). This case of passing through the metaphorical revolving door between politics and business and between the legislative, regulating the energy sector and a company under regulation, was not entirely unusual in Poland (Szulecki, 2018), but it did violate important norms of transparency in governance.

More far-reaching exceptional measures were to be taken against the project's potential political opponents. In the Polish media, nuclear energy was predominantly presented through the lens of security, as an answer to the country's energy dependence problems – often in relation to Russia (though gas and nuclear are not necessarily substitutes in the Polish energy mix). The fact that nuclear fuel would also have to be imported is of lesser importance, since “in case of uranium we have many import directions, and among these ones that are secure, from countries which are fellow members of the same defensive and economic alliances”.² However, the two key problems mentioned in the media discussions were low societal acceptance of nuclear energy and mounting investment costs (Szulecki and Kusznir, 2017, p. 135).

As proposed already in the 2005 and 2009 strategies, to tackle the problem of societal acceptance, the Polish government initiated a wide media campaign. It was meant to persuade the relevant societal groups (local communities and parts of the undecided citizens) to support the

² Interview with two Energy Department experts, Warsaw, 3 July 2015.

project and accept the national security and modernization rationality (Stankiewicz, 2013).

In 2009, the Ministry of Economy hired a PR agency to create the framework for the nuclear project's communication strategy, focusing on persuasion much more than dialogue. The strategic document that emerged from this collaboration was entitled *Security that pays off* – encapsulating the main rationale of the nuclear project.³ Society should be shielded from facts which undermine the rationality of the nuclear project, i.e. “emphasizing costs that Poles would have to carry in relation to nuclear energy expansion might be a reason for diminishing the number of supporters” while “the question of nuclear waste storage will be a contentious issue”.

In the strategy, the relevant audiences were divided into “friends” and “enemies”, an example of explicit Schmittean securitized language. A dialogue with “the enemies” is impossible, states the report, since they have “contradictory interests and goals”. The only actions that can be taken are “communicative security” for governmental information campaigns and the “complete elimination” of “enemy” communiqués. The recipe for public debate presented in the document is that “absolutely crucial is to take actions that will eliminate or tame the influence of enemies on the communicative sphere and will use our friends for information support and pushing through the positions that we want to see.” Particularly dangerous “enemies” include environmental organizations, as well as scientists and journalists skeptical towards the nuclear project, but having expert authority and good media contacts. Open debates are to be avoided, because they can “give platform to ardent nuclear-sceptics”.

The campaign's rhetoric resulted in a peculiar situation, in which securitization occurs around the nuclear project, where the future nuclear plant is the referent object to be protected, while societal actors – local communities, environmental NGOs, or the general uninformed public – become the threats. On the other hand, external threats, such as terrorism, are dismissed by nuclear energy experts as exaggerated.

This was also visible in the legislative process introducing changes to the Atomic Law, which took place in 2011 and 2012. The planned construction of nuclear facilities required not only communicative but also physical security – yet the main threat, it appears, was not terrorism but anti-nuclear dissent. The amended legislation increased the competences of the Internal Security Agency, which was responsible for protecting new nuclear facilities. For the Agency, trespassing on nuclear sites, no matter what the motivations were, was an offence equal to terrorism. As one parliamentarian pointed out, these new powers given to the Agency apparently collided with other legislation, which suggested that the Governmental Security Center, rather than the secret service, should be responsible for critical infrastructure (Kancelaria Sejmu, 2011, p. 11).

An additional boost of the Agency's power resulted from combining the new Atomic Law with earlier legislation on critical infrastructure and crisis management. As a result, once the NPP was classified as critical infrastructure, the Agency obtained the possibility of surveillance of potential opponents of the nuclear project, to “protect” it. If the director of the Agency interpreted an individual's or organization's actions as a potential threat, defined as a “crisis situation” which may have “terrorist” consequences, such measures were justified – calling into question the possibility of any organized protest against the nuclear plant's construction. A left-wing commentator suggested that since it will be up to the head of the Agency to decide what constitutes a “potential crisis situation”, this opened the possibility even for infiltrating environmental groups, justified as countering terrorism (Czarkowski, 2012). While the government denied such accusations, legal

³ Biuletyn Informacji Publicznej Ministerstwa Gospodarki, *Koncepcja kampanii informacyjnej dotyczącej energetyki jądrowej: Bezpieczeństwo, które się opłaca*. Available at: <http://www.rozbrat.org/images/pdf/bezpieczenstwo.pdf> (last accessed: 28 March 2019).

commentators noted that this was part of a “new approach” which “equates state interest with societal interest and private interest” (Góralski, 2010, p. 80). Most commentators, however, have not seen this expansion of state power as problematic, and potential implications remained under the radar of civil society groups dealing with rule-of-law and civil rights questions.

If there was any lesson the post-Solidarity political elite (both the Civic Platform and Law and Justice trace their roots to the pre-1989 opposition) drew from the intensive protest campaign against Żarnowiec in 1986–90 it was that societal dissent should be avoided as much as possible. As a civil servant at the Ministry of Economy emphasized: “The most fundamental risk is political. The risk of stopping the nuclear project at a very advanced stage, the way we've seen it in Żarnowiec [in 1990], where large sums of money were spent and the local population was left disappointed”.⁴ During earlier amendments of the Atomic Law, the PO parliamentarian Jan Rzymelka inquired whether the state was prepared enough for “crowd trouble” that could emerge due to “intensified nongovernmental organization activity” related to nuclear waste transport, “e.g. a radical environmentalist groups blocking [it]” (Kancelaria Sejmu, 2008a, pp. 4–5).

4.2. Utilities as instruments of the state: security vs. the market

Poland's major energy utilities are all State Treasury companies, which means that although they are all joint stock companies whose stock is traded on the exchange, the state owns a majority of their shares or is legally controlling them in some way. In 2018 the State Treasury held 70.83% of the shares of the national gas giant PGNiG, as well as the major utilities in the power sector, PGE (58.39%), Energa (51.52%), Enea (51.5%), Tauron (30.06%) and Bedzin (5%). State ownership is also the cause of very unclear boundaries between the public administration, politics and the energy sector. During the transition from communism, Poland has seen only a gradual development towards a professional civil service as most public institutions remain politicized and each election brings significant staff changes on all levels. The political system is also poorly institutionalized, with professional politicians constituting only a small group. Since State companies are under the control of the government, they are also used for different gratification practices, which might be interpreted as nepotistic or corrupt (Szulecki, 2018).

The status of these companies is permanently contested. Formally market actors, they are under the arbitrary control of the government, and often have to operate according to logics which are contrary to profit maximization for shareholders and to economic efficiency. One example is the way the Tusk government charged Krzysztof Kiljan, upon his nomination as head of PGE, with the task of steering three energy mega-projects at the same time. These were the building of Poland's first nuclear power plant, shale gas exploration and the finalization of the construction of the Opole hard coal plant expansion. Kiljan was dismissed when he decided to stand by the economic logic of the company and the shareholders' good rather than the government's demands (Wróblewski, 2013).

PiS politicians were quite open about their preference for state-centered energy governance and skepticism towards market liberalization already before the elections. Apart from a more statist vision of the economy, the underlying rationale was the notion of *energy sovereignty*, propagated by several important conservative and nationalist intellectuals, analysts and politicians, among them Piotr Naimski, nominated state secretary and government plenipotentiary for strategic energy infrastructure. Naimski's claim since the early 1990s has been that Poland's import dependence on Russian natural gas constitutes an existential threat for the state as well as the nation itself (Naimski, 2015). Casting gas supply security in terms of the state's and nation's

⁴ Interview with two Energy Department experts, Warsaw, 3 July 2015.

ontological security created a permanently securitized commonplace of energy sovereignty, on which political rhetoric in different areas could build.

Securitizing gas, and potentially all energy sectors, with the state as reference object, logically requires state responses to the perceived threats. After taking single-party majority in 2015 elections, PiS politicians were eager to consolidate executive power in the energy sector. First, the Ministry of Energy was formed bringing together competences previously spread between the Ministry of Economy and Ministry of Treasury. The next move involved taking stricter control of the major energy companies, subjecting them to direct governmental steering. For that purpose, energy security proved the perfect justification.

In November 2016, the Ministry of Energy, using the fact that the State Treasury was a major shareholder in the key energy companies, proposed a change in their statutes. A new point was to be added, stating that “the company is implementing the tasks related to guaranteeing the energy security of the Republic of Poland”.⁵ This would allow the companies to follow ministerial instructions, particularly related to new energy infrastructure investments, even if that meant making decisions that undermined their economic situation. The Ministry explained, that in case of a conflict of interests, the state’s energy security should come first, and that these companies, like PGE, carry “the core burden of guaranteeing [Poland’s] energy security” (Wieczerek-Krusińska, 2016). “I don’t see any problem here” – commented a PiS parliamentarian – “political power always had influence on State Treasury companies. Isn’t it better if that influence is confirmed in a document, than unofficial, e.g. through meetings at a cemetery?” (Słowik, 2016). Przemysław Piesiewicz, deputy-chairman of Energa nominated in 2016, once an advisor to a PiS MEP, explained: “energy security of the country should be a priority not only for the policymakers, but also utilities” (Wieczerek-Krusińska, 2016). While that statement was difficult to challenge, the consequences of the move were debatable.

Commentators and particularly the minority shareholders were quite disturbed. Many pointed out that political benefits were to be gained under the energy security pretenses. The move was characterized as contradicting not only the logics of a liberalized European energy market, but also – against Polish commercial company code. “The aim of a capital company is not to act in the name of the state, but first and foremost to act for the benefit of its shareholders” – commercial lawyer Szymon Syp pointed out (Słowik, 2016). The former head of Polish Managers Institute suggested that the move was incompatible with the character of anonymous societies (joint-stock companies). The only fair solution would be to remove these energy companies from the stock exchange, where they no longer effectively belong. Meanwhile, the head of the Individual Investors’ Society claimed that while investing in state-controlled companies has always carried a risk, the ambiguity of the new statutes interpretations and uses visibly increases (Wieczerek-Krusińska, 2016).

The reason for introducing state energy security into company statutes and using security rhetoric to convince the shareholders was ultimately linked to legal responsibility. Using energy companies to execute exceptional measures in the sector – following the logics of security rather than the market – required making uneconomic decisions, which in the future could mean that politically nominated CEO-s and board members could be sued by minority shareholders. The sanctions for such economic malpractice – acting against the company’s interest – was individual responsibility for losses (following Article 483 of the Code of Commercial Societies) and potentially criminal charges and a sentence of up to five years in prison (Article 296 of the Penal Code). Introducing

⁵ Point 1 in: “Proponowane zmiany w Statucie TAURON Polska Energia S.A. będące przedmiotem obrad Zwyczajnego Walnego Zgromadzenia zwołanego na dzień 29 maja 2017 roku”. Available at: https://www.tauron.pl/-/media/repor_tattachments/zmiany-w-statucie-tauron-polska-energia-sa-20170525202032_9574.ashx (last accessed 29 March 2019).

state energy security as a goal in the company’s statutes would protect the managers from facing consequences of all such economically dubious exceptional measures.

In December 2016, changes were introduced to the statutes of PGE and Energa. In 2017, the State Treasury proposed an identical statute change for Tauron, and put it on the agenda of the company shareholders’ General Meeting on 29 May that year. Despite the persuasion of the Ministry of Energy and the large involvement of the State Treasury (30.06%), other shareholders were not convinced. In a vote on the suggested statute amendment, the Treasury together with another state-company holding Tauron’s shares, were not able to achieve the ¾ majority required to push it through.⁶

The fact that the amendment was rejected was seen as “quite surprising” (Ciepiela, 2017), though other shareholders, particularly investment funds, but also individual investors, were quite open about their lack of support for the proposed change. The Minister of Energy, Krzysztof Tchórzewski, tried to belittle the government’s failure, claiming that “as far as investments are concerned” Tauron is not key for state energy security anyway, and there is no pressing need for change in statute (PAP, 2017). At the same time, the Minister “still believed that the passage on energy security should be introduced in Tauron’s statute” and said that it “is the last remaining energy company, where I need to persuade the shareholders” to accept the change (Money.pl, 2017). Following the outcome of Tauron’s General Meeting vote commentators suggested that the Ministry might have problems pushing the amendment through at the fourth major utility – Enea. However, by the end of 2017 Tauron was left as the only major energy company without state energy security obligations.

5. Discussion and Comparison

Both cases are examples of securitization attempts – as we have seen, relatively rare in energy governance. Both contain speech acts, which call up security, with the state as the main referent object, and on the surface either directly point or at least allude to an external threat. Most importantly, they contain proposals from the securitizing actors, which go beyond usual practices, and can be classified as exceptional measures “in the name of security”.

In the case of the nuclear project, the extraordinary measures are varied. Security was used by PM Tusk to justify the blurring of legislative, regulatory, and executive roles in the energy sector resulting from the political appointment of his colleague as utility CEO. More radical measures, resembling Schmitt’s state of exception, were visible in the communication campaign strategy prepared by the government. The idea of labelling political opponents as “enemies” and the de-humanizing language used, with open suggestions for taming public debate, should be alarming. But arguably, they opened up the horizon of possibility for the third set of exceptional measures: the increased role of secret service agents and the ambiguous new competences of the head of the Internal Energy Agency, giving it surveillance tools, and potentially disarming societal dissent. Although that last move raised some questions among opposition parliamentarians and a handful of journalists, there was no de-securitization attempt within the Sejm. the lower house of the Polish parliament, and the measures were introduced, unchallenged.

In the second case, state security is used as a reason and justification for centralizing power and expanding the executive’s competences in the energy sector. Changes in companies’ statutes are introduced to allow direct political steering of utilities – which can be used for different purposes. However, the change itself is legally debatable, and the governmental steering constitutes a direct challenge to the usual

⁶ The recording of the 29 May 2017 General Meeting is available at: <https://www.tauron.pl/tauron/relacje-inwestorskie/nagrania> (last accessed: 29 March 2019).

practices of companies on a liberal market. That incompatibility was cited as a reason for rejecting the government's proposal in one case where the State Treasury was not able to introduce changes single-handedly (as a majority shareholder), indicating the lack of broader audience acceptance.

There are, however, important differences between the way securitizing moves are constructed in those two cases – elements which can account for their ultimate acceptance. While similar on the surface, as viewed on the level of official political rhetoric, both making references to “national energy security”, with the nation-state as the referent object, the direct referent objects are different. The exceptional measures in the nuclear energy sector are introduced to protect the nuclear program itself. With the shifting referent object so shifts the actual threat indicated or implied. While still possibly external (terrorists, spies), the main focus is on domestic “enemies”: “extreme fanatics for whom dissent is the reason for being”.⁷ Securitization in the nuclear sector aims at strengthening the state administration in its struggle with civil society organizations, much more than external threats. The ultimate referent object, on which the nuclear project is built, is a particular vision of technocratic modernization and a *socio-technical imaginary* (Jasanoff and Kim, 2013) of Poland's energy future: centralized, with close state-utility bonds. Since that socio-technical imaginary is shared by the political elite and sectorial experts, there is broad audience acceptance for securitizing moves which ultimately lead to safeguarding it. Analyzing the parliamentary debates around nuclear energy shows that unlike in almost any other political issue in Poland, the consensus around the need to safeguard and advance the nuclear project united the governmental coalition and opposition, and there were “practically no issues of contention” (J. Rzymelka in *Kancelaria Sejmu*, 2008b).

Audience acceptance was thus conditioned by two factors: both the political salience of the issue and the degree to which it was picked up e. g. by the media were quite low. Additionally, the socio-technical imaginary shared within the political elite meant that the identity and values of the securitizing agents and the most relevant audiences were shared rather than conflictive. There is an additional element to be highlighted here. Although the direct referent object of the securitizing moves was the nuclear program, this cannot be clearly abstracted from the broader energy security discourse. As discussed in Section 4.2, the notion of “energy sovereignty”, and the more lasting, deep securitization of Poland's energy policy debates, providing additional legitimacy to all invocations of “national security” in the energy sector, cannot be easily separated from the securitization attempts in particular sub-sectors. This returns to Wæver's insistence on the illocutionary effect of the securitization speech act – meaning what is “done in saying”, and rearranging the security imaginary within a community (here, national) by redefining the rights and responsibilities of actors (Wæver, 1999, p. 122). On a deeper level, the initial securitization “event” is co-produced by the audience and conditions all further actions. This can suggest that securitization in these sub-sectors is at least partly “derived”, as opposed to “primary”. It is therefore possible to see the nuclear project as a placeholder for state energy security and not “only” a referent object in itself.⁸

In the case of the proposed changes in utilities' statutes, the referent object is indeed the state and energy policy needs which are defined by the government. However, the direct threat against which these exceptional measures are to be introduced is again not external, but related to the governance process, the state's ability to control existing and future energy generation, and implementation of the centrally planned strategy. Here, the obstacle and threat is not the civil society, but the free market, with its logics that can and very often do go against governmental strategic planning. The challenge from Tauron's

shareholders was launched from a market-focused position, and could count on broad media support, drawing on the free market orthodoxy deeply rooted in Poland's economic circles. The de-securitizing rhetoric of the media and experts representing minority shareholders has also exposed the motivations of the Ministry of Energy, which apparently used the security façade to mask political party interests. In this case, the issue became immediately politicized, and there was no common value or identity platform for the securitizing actors and the audience.

The surprising finding, given the hypothesis based on Poland's “geopolitical” energy paradigm, is that there is no link between external threats, and the two cases of actual energy securitization. This suggests that beyond the surface of “primary” securitization of the energy policy discourse, this second-order, “derived” securitization is very much an internal, domestic affair, not explained by the geopolitical context – which is not even an important element of the political rhetoric around securitizing moves.

6. Conclusions and Policy Implications

This paper set out to answer why governmental actors engage in securitization attempts and seek to obtain exceptional means for dealing with alleged threats in the energy sector, as well as why some of such attempts succeed while others are met with resistance. In this concluding section, I first sum up what we have learned from the analysis of the Polish case, then point to the limitations of this knowledge, as well as some methodological constraints that the proposed approach faces. Having discussed these, I turn to the added value of employing Securitization Theory with its political-normative edge in energy policy analysis, and suggest that it can lay ground for a new research agenda of Critical Energy Security Studies.

While geopolitical considerations are creeping in the background, an important conclusion from this analysis is that securitization is a mechanism playing out differently at different levels, and it is necessary to inspect not merely what the securitizing actors say, but also what they do, how that relates to energy system vulnerabilities as well as political-economic interests, and also – what the implications of securitization and policy change are. Beyond the strategic behavior of individual actors, there is the practical logic of state-centered energy governance.

What both presented cases share is the visible *encroachment of state power* on those areas of energy governance where previously the state's role was reduced or systematically challenged. Securitization, contrary to its superficial understanding, does not need to be a strategic move, but instead a social mechanism triggered under specific conditions (Guzzini, 2011), the motivations of individual actors are less relevant than the compound outcome of securitization *practices*. The lesson from the Polish case is that governmental actors – acting in the name of the state – can display a tendency to treat energy governance as a core state power, along with the traditionally acknowledged core powers: military security, fiscal policy, and public administration (Genschel and Jachtenfuchs, 2016). Thus securitization, moving a particular energy governance issue, or a sector, or the entirety of energy decision-making competences, outside the realm of deliberation and under the control of the state apparatus, appears as an attractive option for sustaining or constituting energy policy as a core state power.

Contemporary energy policy challenges, most importantly the imminent decarbonization and energy transition, exert pressure on the state to surrender much of its competence to forces from two directions. *From below*, civil society actors demand more transparency and participatory governance in the spirit of “energy democratization” (Szulecki, 2018), while others justify their pressure with the need to speed up climate action. Additionally, distributed energy generation, mostly renewable, re-arranges the political economies of national energy sectors, breaking incumbent oligopolies or state monopolies. *From above*, particularly in Europe, EU institutions have sought to expand their energy governance competences at the cost of member state sovereignty and economic globalization as well as global structural rearrangements

⁷ Biuletyn Informacji Publicznej Ministerstwa Gospodarki, *Koncepcja*, op cit., p. 11.

⁸ I thank Trine Villumsen Berling for pointing this out and suggesting and one of the anonymous reviewers for suggesting the idea of “derived securitization”.

resulting from the ongoing energy transition added to the pressure on states.

To be sure, safeguarding or reclaiming the control over energy governance by legitimate, democratically elected governments is not in itself a negative process. Just like securitization, which, as Williams (2015, p. 115) emphasizes can lead not only to the politics of exception, but also the politics of the extraordinary. Drawing on Kalyvas, he suggests this can also result in popular mobilization, self-determination and the self-assertion of a democratic sovereign. However, in the Polish case, both securitization attempts raised significant normative doubts. This might partly be the specificity of Polish energy security discourses, which, as we have seen, contain readily available and permanently securitized commonplaces, making it easier for securitizing actors to construct "derived" securitizing moves.

As Wæver points out, "politics never takes the form of someone 'capturing power' and 'producing' an output from a plan – it is always about action that relies on others' actions before it generates some result, and therefore the 'meaning' and 'goodness' of a particular act is never known beforehand but only as history is told afterwards" (2011, p. 468). In the Polish case, particularly with the nuclear project, it is easy to argue that overall intentions of the governmental actors involved were not malign. However, in an already securitized context where politics of exception becomes less "exceptional" and authoritarian temptations become easier to realize, good intentions can also pave the road to gradual democratic backsliding.

Although reasons why in some cases governmental actors can attempt to securitize energy policy debates are understandable, answering why some attempts are accepted and others not is more of a challenge, methodologically speaking. As Williams notes, we can often identify the structural and discursive conditions that make certain securitizing acts more likely to succeed than others, "here we confront a key dilemma for the sociology of securitization. It is simply impossible – not only sociologically, but existentially – to grasp definitively its myriad potentialities" (2015, p. 116). While it is possible to use interpretive process tracing to reconstruct individual cases and provide singular causal analyses which explain such outcomes, like in the Polish case, generalizable knowledge and prediction of conditions for (de) securitization is limited. There are also significant methodological challenges involved in measuring audience acceptance. Rather than focusing on the acceptance of a single move, we can instead look at the wider *acceptability* of expressing energy issues in the language of security, which results from already existing dominant security logics visible in a particular context (Judge et al., 2017).

Given these limitations, what is the benefit of applying Securitization Theory to energy policy? There are at least three gains visible: explanatory, descriptive, and normative. Firstly, looking at energy security through the reflexive lens of securitization allows us to see beyond the taken-for-grantedness of the policy world, and explain *why* different actors construct energy security in such different ways. The conceptual framework of Securitization Theory organizes comparisons between sectors, actors, and politics (Heinrich and Szulecki, 2017). Secondly, even if we accept that energy security can be objectified, e.g. as the low vulnerability of vital energy systems (Cherp and Jewell, 2014), securitization helps us map how material vulnerabilities are represented by different actors, and understand how the "vitality" of energy system is ranked and perceived in different contexts.

Last but not least, the normative dimension of securitization opens up new fields of inquiry in and ought to be a stepping stone for a broader research program of *critical energy security studies*, of which we already have some early examples (Judge et al., 2017; Kester, 2018). Like critical security studies broadly, this is meant to imply "more an orientation toward the discipline than a precise theoretical label" (Krause and Williams, 1997, pp. x–xi). The common denominator for this proposed agenda is, as Kester proposes, "to come to an understanding of what energy security does" and this "comes with a call to take security more seriously, with its logics, politics and use" in order to flesh out how

energy security differs from broader security realm (Kester, 2018, pp. 223, 229).

Scholars of energy policy should not be restrained by the normative undertone that researching securitization in these contexts visibly carries – understanding that such work aims at uncovering power structures which escape the eye of traditional energy security analyses and identifying mechanisms, which potentially undermine democratic politics as well as taking the broader societal good and important democratic values as benchmarks.

The normative thrust of securitization in energy studies has two logical goals: studying what is allowed because of securitization and studying what securitization prevents. This paper focused on the former. When securitization attempts do occur, and exceptional measures bypassing or bracketing off liberal democratic norms are proposed, such instances should be investigated with great attention. The focus on politics of exceptionality (and possibly of the extraordinary), invites questions about political sovereignty – if the sovereign is who decides on the exception, who is the sovereign in energy policy? is that legitimate and justified? whose interests does it serve? are exceptional measures justified and targeted at those vulnerabilities in the energy system that are most pressing etc. Those are some of the questions Critical Energy Security Studies should begin to answer. But there is also the other goal. "Securitization is a mode of intervention that blocks something specific and in a specific way: by defining what is not allowed to happen and can therefore be prevented by all means necessary" – argues Wæver, emphasizing that securitization is "the selection of non-change" (Wæver, 2019). The question of what change is enabled and what is prevented becomes particularly salient in the light of the imminent energy transition and decarbonization of the economy for the purpose of mitigating climate change. Securitization is central to understanding the political (in)feasibility of necessary transition, and critical energy security studies have all the necessary tools to study this "production of non-change", identifying where, why, and by whom change which is not only possible but needed – is stalled.

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