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Contested Energy Transition? Europeanization and Authority Turns in EU Renewable Energy Policy

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Introduction

For decades, ever since the publication of the European Commission's White Paper on renewable energy sources (RES) in 1997, RES promotion has been acknowledged as a landmark component of EU climate and energy policies. Its relevance can be explained by a mix of factors related to the EU's institutional structure and the resulting nature of these policies. On the one hand, before a formal competence on energy was granted to the EU under the Treaty of Lisbon, environmental policymaking – together with internal market policies – provided a means for increasing EU participation in this policy domain (Tosun and Solorio 2011). As a result, RES promotion became one of the most effective ways to shape national energy policies. On the other hand, the EU's aspiration to become an international leader in climate change has placed further pressure on European policymaking to pursue an ambitious internal climate policy, with RES promotion being one of its pillars.

For many years, the EU's authority in this sub-field of climate and energy policies remained largely uncontested due to a consensus among decision-makers at all levels about the environmental, economic, security and social advantages of RES. However, in the context of multiple crises, tensions in EU renewable energy policy have emerged and the socio-economic benefits of the energy transition are increasingly contested. If the 2009 Renewable Energy Directive (RED) containing the goals towards 2020 was passed with a broad support from member states, the road to the 2030 goals was more difficult and crowded with authority claims on the part of national governments. Against this background, the 2030 climate and energy framework agreed at the European Council of October 2014, with its greenhouse emission

reduction emphasis, has been interpreted as an indicator that RES promotion is being sidelined from EU priorities (Bürgin, 2015; Solorio and Bocquillon, 2017). Whilst the adoption of the 2018 directive – known as RED II – brought the EU’s energy transition back on track, its difficult negotiations and lack of consensus among member states revealed that conflicts of authority are more than present in this policy.

This article disentangles the renegotiation of authority in EU renewable energy policy. Focusing on the emergence and change of renewable electricity (RES-E ¹) policies in the EU and its member states, it explores: (i) how and why authority was conferred on the EU; (ii) what types of contestation on the part of member states have emerged; and (iii) the ways in which authority conflicts have been addressed. To answer these questions this article is guided by the debates on authority contestation in the European multilevel polity as well as the literature on circular Europeanization of public policies. It develops a longitudinal analysis which traces the negotiation, adoption, and implementation of each of the three key legislative pieces for RES promotion: the 2001 RES-E directive, the 2009 RED, as well as the most recent 2018 RED II. The developed analysis focuses on two main features of this policy and its evolution over time: the nature of targets, which impacts on the EU’s capacity to monitor compliance, and the debate about the support schemes, which relates to the EU’s authority to determine the means of RES promotion in the member states.

The article is structured as follows. Section 2 presents our analytical framework, which brings together this Special Issue’s focus on the *renegotiation of authority* with recent debates on the

¹ Since the 2009 RED directive the EU renewable energy policy covers three sectors (electricity, transport and heating and cooling). This article focuses exclusively on the electricity sector.

Europeanization of member state policies. The methodology is presented in Section 3. Section 4 introduces the authority debates in EU renewable energy policy that emerged during the period of observation (2001-2018). In each stage the way authority is conferred, the sources of authority contestation, the management of conflicts and the effects of policy implementation at the national level are analyzed. The findings are discussed in Section 6, where conclusions are presented.

Analytical framework: Feedback loops and the renegotiation of authority in the EU

One cannot study the development and change of public policies in EU member states without taking into account the specific nature of the EU multilevel system. The vast Europeanization literature that has evolved over the past decades does exactly this by asking ‘if and how the EU has changed representation, governance and public policy in the member states and beyond.’ (Radaelli and Exadaktylos 2010, 189). Having become increasingly sophisticated and rigorous, Europeanization presents itself as a useful diagnostic framework for exploring the vertical displacements of authority between the EU and its member states that are at the core of this Special Issue. Today, the Europeanization literature provides useful models and analytical tools for furthering our understanding of how “EU institutions and policies are becoming more politicized and contested domestically” (see Herranz-Surrallés et al., forthcoming) and how authority is being renegotiated between the EU and its member states. Its explanatory potential has been particularly enhanced with the inclusion of a circular perspective (Saurugger 2014), which considers ‘feedback loops’ in order to facilitate the observation not only of the reasons behind the delegation of authority upwards to the EU (bottom-up Europeanization) and the

changes derived from the EU's impact at the national level across time (top-down Europeanization), but also of the salience and politicization of issues as well as the extent to which member states' governments adopt supportive or critical positions towards European integration (Saurugger and Radaelli, 2008).

Early understandings defined Europeanization as a 'two-way process', including the uploading and downloading of policies (Börzel 2002, 193), where member states first try to actively shape the form and content of European Integration in order to subsequently 'maximize the benefits and minimize the costs' of adapting to it (Börzel 2002, 196). Gradually, this approach evolved and a stronger emphasis was placed on the role of domestic actors, both for influencing national positions in the negotiations at the EU level and during the national adaptation to EU pressures. Regarding policy implementation, this shift resulted in the notion of Europeanization as 'usage', arguing that it is crucial to investigate the ways in which domestic actors seize opportunities and work around Europeanization constraints (Woll and Jacquot 2010). Subsequent contributions included a horizontal dimension of Europeanization, where member states directly influenced each others' policies within the institutional structure of the EU (Bulmer and Padgett, 2005). This development came together with the recognition that European policymaking is not necessarily based on the EU-wide standardization of regulations, but in some policy domains includes a strong reliance on softer modes of governance (Treib et al., 2007), which can be interpreted as a way to prevent or manage authority conflicts between member states and EU institutions (see Herranz-Surrallés et al., forthcoming).

Drawing on these insights, and motivated by the centrifugal effects of crisis on European integration, more recent approaches capture the European policy-process more interactively. In this way, Europeanization not only produces changes domestically but can actually generate political disagreement, which in turn can lead domestic actors to mobilize either for or against subsequent instances of supranational governance (Coman 2014). National preferences, thus, are not static but determined by the new equilibria generated by previous rounds of Europeanization. This can lead to the paradoxical situation where Europeanization can be the cause of de-Europeanization, understood as a practice in which a member state ‘de-constructs previous advancements made through the process of Europeanization’ (Copeland 2016, 1126).

Figure 1 synthesizes this circular model of EU policymaking, which noticeably is strongly interlinked to authority debates in the EU. Its basic assumption is that EU policymaking occurs in cycles where the domestic ‘downloading’ of EU policies is not the end point, but potentially also the start of a new round of circular Europeanization. Starting with the delegation of authority, bottom-up Europeanization sheds light on the processes of conferring authority vertically to the EU. Following the policy cycle, top-down Europeanization is at the same time an explanatory variable for domestic policy change and a factor that can either stifle or provoke the contestation of authority by member states. Managing authority conflicts is a key requisite to close the circle of the policy process and to start a new round of Europeanization.

In line with the framework of the Special Issue (see Herranz-Surrallés et al., forthcoming), we assume that a conferral of authority may occur because of functional needs or be driven by value-based objectives. In addition, claims over authority can be categorized as

sovereignty-based and substance-based contestation. Finally, the management of authority conflicts can pursue either legal or political strategies.

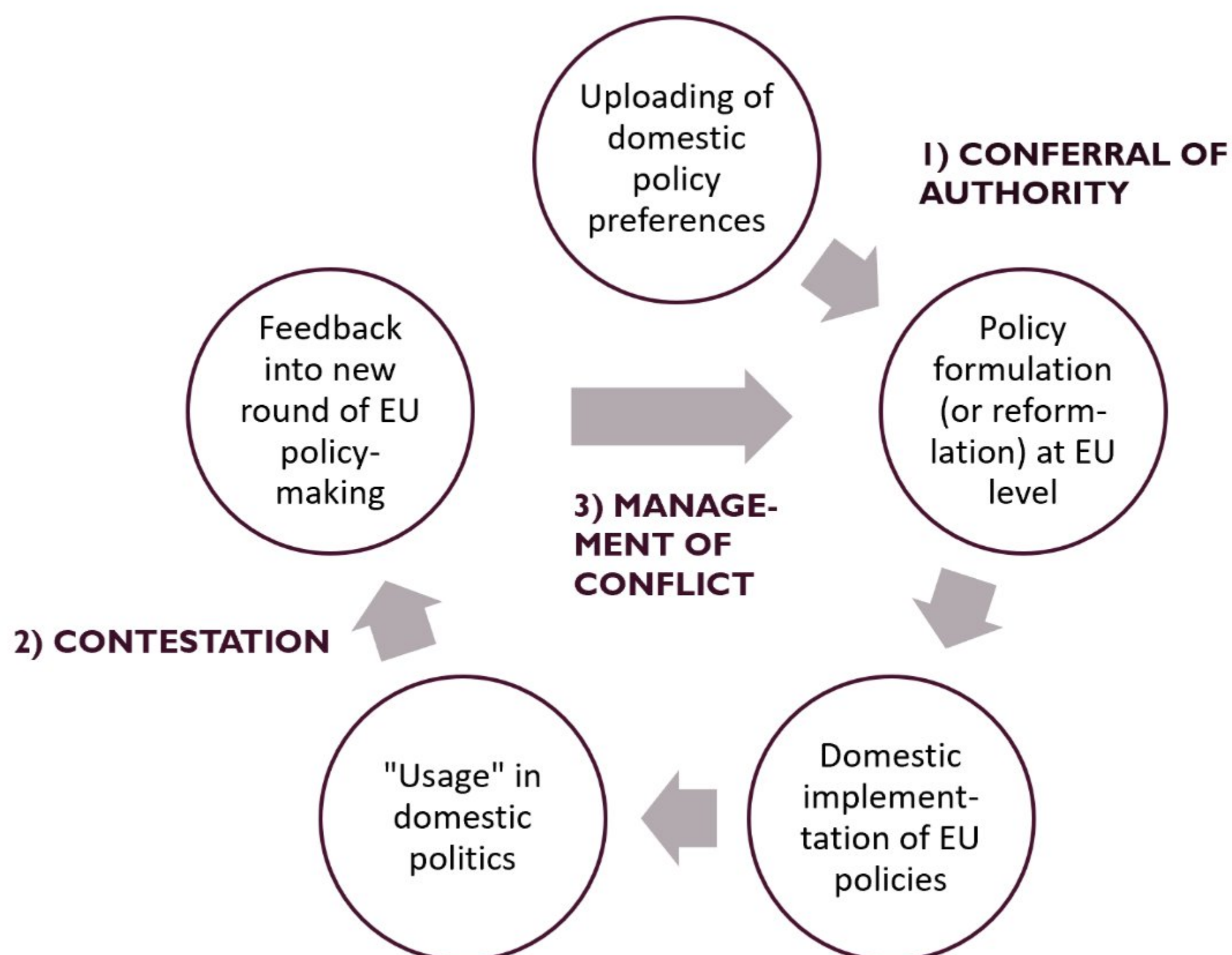


Figure 1: A model of circular Europeanization

Source: Authors' illustration.

We expect EU renewable energy policy to be a suitable case for assessing policy change over time, examining how Europeanization generates winners and losers at the domestic level (e.g. new vs. old RES companies) and for analyzing how this, in turn, changes national positions towards subsequent rounds of European Integration. Regarding the time span, the period between

2001-2018 is sufficient for observing feedback loops involving higher levels of politicization and contestation of EU authority after the 2008-09 financial and economic crises, and the resulting new European governance arrangements.

Methods

The determination of causality has been a constant challenge for Europeanization research. One problem is that most Europeanization studies rely on single case designs and lack a clear ‘justification of case selection’ (Exadaktylos and Radaelli 2012, 31). More importantly, despite being a major research field, Europeanization studies have been weak in generating clearly defined and testable hypotheses about why, when and under which conditions developments at the European level lead to policy change at the national one. Instead of developing theories that are specific to the process of Europeanization, researchers usually ‘draw on existing theories and models of comparative politics and international relations’ (Radaelli 2018, 56). When applying these theories to the Europeanization of national policies, the resulting causal hypotheses necessarily fail to account for the multiplicity of potentially relevant explanatory and intervening variables. Complex research designs based on the notion of circular Europeanization, where both European policies and domestic adaptation can be either independent or dependent variable, further heighten the challenge (Saurugger 2014). Here, domestic actors play the role of intervening variables, both for the national adaptation to EU pressures and for influencing national positions during the negotiations at the EU level.

Considering methodological challenges such as complex causality as well as the need to understand the role played by procedural factors including recurrent instances of policy formulation and implementation and feedback loops between different rounds of policymaking (Rohlfing 2012), we have chosen an exploratory rather than a hypothesis-testing approach. Exploratory process tracing is an adequate method in areas where precise, testable and theory-based hypotheses are scarce or do not exist. It allows for a systematic analysis of policy processes over time, taking into account a number of factors that are of potential importance for the observed outcome. The aim is to develop expectations about potential causal mechanisms which then can serve as a theoretical basis for future research, an approach which Rohlfing (2012, 41) refers to as an ‘exploratory case study centered on outcome’.

The study presented here is based on ten qualitative country studies on the Europeanization of domestic RES policies (Bulgaria, Denmark, France, Germany, Italy, the Netherlands, Poland, Romania, Spain and the UK) and an analysis of RES policy developments at the EU level (Solorio and Jörgens, 2017). The cases were selected on the basis of their expected roles as either leaders, laggards, or fence-sitters with regard to the promotion of RES-E (Lieberink and Andersen, 1998; Börzel, 2002). Due to their roles as early adopters of RES-E policies, we expect Germany, the Netherlands, Denmark, and Spain to act as pace-setters in the Europeanization of RES-E policies. Based on their generally weak record of implementing EU environmental policies and their roles as late-comers with regard to RES promotion, we expect Italy, Poland, Romania and Bulgaria to take a more reluctant or oppositional stance. Finally, considering their ambivalent position towards RES promotion, we expect the UK and France to act as fence-sitters. This analysis comprises three consecutive legislative policy initiatives in this

policy area – or Europeanization rounds – in order to account for feedback loops and the assumed circular character of Europeanization processes.

Authority turns in EU Renewable Energy Policy

The development of EU renewable energy policy started with the 1973 oil crisis, which led European institutions to search for solutions to the Community's energy problems (Tosun and Solorio 2011). This initial phase consisted mostly of modest support for RES research and development and a soft coordination approach, with no significant relocation of authority from the national to the supranational level (Solorio and Bocquillon 2017, 24-25). Nevertheless, it is important to note that these early years determined the different national starting positions on RES promotion (Reiche and Bechberger 2004, 844) and, although marginal in terms of EU policy-making, this phase to some extent affected the subsequent negotiation positions of member states towards the RES-E directive.

The first round of circular Europeanization: The 2001 RES-E directive and the displacement of authority upwards

Conferring authority

The 1997 White Paper on RES promotion is commonly recognized as the moment where a distinct renewable energy policy domain began to emerge (Solorio and Bocquillon 2017, 25-26). It outlined a set of measures to overcome obstacles for RES development and established an indicative target of 12% RES in EU primary energy consumption by 2010. In 2000, the

Commission followed up on the RES White Paper and proposed the first EU legislation explicitly oriented towards RES promotion, the RES-E directive. During the negotiation process, conflicts over the RES targets and the support schemes for RES promotion arose among EU institutions and the member states (Rowlands 2005). Regarding the targets, both the Commission and the European Parliament defended the need for mandatory national RES goals. In contrast, the Council considered that the indicative target of 12% was a sufficient guide for national efforts towards RES promotion (Meyer 2003). The dispute was settled with an agreement where targets, ‘although relatively ambitious, remained non-binding’ (Solorio and Bocquillon 2017, 27). Regarding support schemes, the Commission strongly pushed for harmonization by establishing a European market for trading in renewable energy certificates, a system known as Tradable Green Certificates (TGCs) (Busch and Jörgens 2012). This proposal was met with strong resistance from countries with Feed-in Tariffs (FITs) systems such as Germany and Spain, who advocated a general freedom on part of member states to choose their own support scheme.

The final RES-E directive had an indicative goal of 22.1% of RES-E in total EU electricity consumption by 2010 and included national indicative targets based on the technological and economic potential. The directive also included a provision that member states should publish periodically a report on their progress towards the national indicative targets. On that basis, the Commission had to assess the evolution towards the RES targets, both nationally and for the EU as a whole (Solorio and Bocquillon 2017, 26-27). Although there was no explicit mention of sanctions, the directive contemplated the possibility that, in case the Commission’s assessment found national indicative targets to be inconsistent with the EU overall goal, it should present proposals to address this issue (including possible mandatory targets) (Rowlands 2005, 969-970).

With this, a legal source of authority was given to the Commission to set RES goals in a context driven by the need to meet with the EU's Kyoto commitments. However, due to the lack of legal obligations and the absence of sanctions, the conferred authority was limited. Regarding support schemes, there was no prescription of a concrete EU model. Instead, the Commission was left in charge of reporting on the experience gained through the application and coexistence of different mechanisms (Busch and Jörgens 2012, 76). Member states maintained, thus, considerable leeway in the implementation of this policy. In addition, the directive also comprised a 'market-making' measure, oriented to remove grid connection barriers for RES-E. Overall, despite providing only a 'loose regulatory framework' (Solorio and Bocquillon 2017, 25), the RES-E directive represented a leap forward in the evolution of EU renewable energy policy.

Sources of contestation and the management of authority conflicts

Considering their experience in RES promotion, Denmark, Germany and Spain were natural candidates to lead the negotiation of the RES-E directive and, therefore, be able to upload their domestic policies – which were all, 'with some variations', based on the FITs model (Rowlands 2005, 971). Nevertheless, the Commissions' preference for more market-oriented support schemes based on TGCs made the UK, a late-comer in RES promotion, an 'unexpected pace-setter' given its traditional market approach to energy policy (Solorio and Fairbrass 2017, 108). In this context, the Commission tried to de-politicize the debate by using a 'competitive markets' argument. RES leaders adopted a defensive strategy, fighting against any attempt for an EU-wide harmonization of support schemes. Their success on RES promotion backed these positions, so the Commission had to give up its harmonization attempt (Rowlands 2005, 971-972). Where the RES leaders played their part was in setting an ambitious EU-wide RES

goal. Denmark, Germany and Spain pushed for an ambitious EU target equivalent to 12% of the overall energy consumption; however, only Denmark and Germany wanted to make this target binding nationally (Rowlands 2005; Vogelpohl et al. 2017; Dyrhaug 2017). In sum, both for targets and for support schemes, soft governance was the solution to authority disputes during this stage of EU renewable energy policy.

Implementation and policy change

In terms of the impact of the RES-E directive at the domestic level, our cases show top-down Europeanization to be strongest before – and not after – the RES-E directive was adopted. For example, in Italy, the Bersani decree of 1999 introduced an ambitious support scheme for RES-E based on mandatory quotas and TGCs. A key driver for this was the publication in October 1998 of a first unofficial draft of the EU’s 2001 RES-E directive, in which the European Commission expressed its strong preference for a support model based on quota systems (Di Nucci and Russolillo 2017, 127). It was this (rather remote) possibility of an EU-wide harmonization towards a system based on RES-E quotas and TGCs, and the resulting threat that support schemes based on FITs might cease to be in compliance with EU law, that triggered the Italian policy change. In France the negotiations of this directive built momentum for the inclusion of RES-E promotion in the Electricity Bill of 2000 (Bocquillon and Evrard 2017, 167-168). Something similar happened in Germany with the adoption in 2000 of the Renewable Energy Sources Act (Vogelpohl et al. 2017).

Moreover, during this phase, top-down Europeanization occurred in an indirect rather than a direct manner. In most countries, it was the EU-driven liberalization of the electricity markets

rather than the RES-E directive that triggered the most important national policy changes. It did so by significantly changing domestic opportunity structures. On the economic side it removed structural and institutional barriers to market entry for producers of RES-E. On the political side, it set the course for domestic policies aimed at gradually increasing the share of RES-E in domestic energy production and consumption without raising the opposition of powerful ‘natural’ opponents such as the big power utilities or incumbents (Jörgens et al. 2017, 290-292). During this stage, indirect top-down Europeanization through the liberalization of electricity markets, complementing RES-E directive’s market-making measures, constituted a major Europeanization dynamic both in old and highly industrialized member states like Germany, the Netherlands, France or Italy and newer EU members such as Spain, Poland or Bulgaria.

However, it was primarily the processes of horizontal Europeanization, i.e. the direct diffusion or transfer of policies, models or ideas from one EU member state to another in the shadow of potential EU-wide harmonization, that positively influenced the instrumental design of many domestic RES-E policies. By setting a concrete and widely visible example for an effective support scheme, the proponents of FITs (Denmark, Germany and Spain) were able to influence the shape of RES-E policies in other member states (Busch and Jörgens 2012). In this context, the observation by Vogelpohl et al. (2017, 51) that ‘Germany’s support scheme served as a model for other countries and thus provided for horizontal Europeanization by learning and imitation processes’ characterizes not only this phase of EU renewable energy policy, but also the negotiation and implementation of the 2009 RED. At the same time that the FIT system spread to countries like Italy, Poland took inspiration from the UK and adopted support schemes based on quotas and TGCs (Jankowska and Ancygier 2017, 188). Thus, rather than harmonizing

national support schemes, horizontal Europeanization resulted in a continuous oscillation of support schemes between the more environmentally effective FITs and the more economically efficient TGCs or feed-in-premiums (FIPs).

Round 2: The 2009 RED and the deepening of integration

Conferring authority

By 2007, a review of the implementation of the RES-E directive showed the need for mandatory targets if the EU wanted to reach its climate mitigation goals (European Commission 2007). Taking advantage of the rising media and public attention to climate change (Solorio and Bocquillon 2017), in January 2008 the Commission proposed a climate and energy package which included the so-called ‘20-20-20’ targets: a 20% reduction in GHG emissions (expandable to 30% in case of international agreement), a 20% energy saving target and a target of 20% RES in EU final energy consumption. In March 2007, a European Council ‘entrapped’ by previous commitments to act as an international leader on climate change (Skovgaard 2013, 1147) endorsed the 20-20-20 targets, including a binding target of a 20% share of RES in overall EU energy consumption by 2020. In January 2008, the Commission proposed a set of new legislative measures on climate and energy, which included a draft directive distributing the burden of 20% of RES among the member states. In the run-up to the Copenhagen Climate conference, the climate and energy package was object of a fast-track negotiation and by December 2008 it was agreed by the European Council (Wurzel et al. 2017, 7). The legitimacy that the European Council’s endorsement gave to the RES targets kept the contestation on targets at a relatively low level (Solorio and Bocquillon 2017). But a renewed attempt led by the European

Commission to harmonize national support schemes using TGCs did cause strong disagreements, requiring intense negotiations to break the deadlock (Lauber and Schenner 2011).

In 2009, Directive 2009/28/EC on RES promotion, also known as RED, replaced the RES-E directive (and also the biofuels directive which had targeted the transport sector). It established a common framework for RES promotion, including not only the electricity sector but also transport and heating and cooling, and established an overall RES target of 20% by 2020 as well as mandatory national targets. However, its implementation was left mainly in the hands of national governments, requiring them to elaborate National Action Plans with non-binding sub-sectoral and interim objectives for each sector. The Commission, in turn, was in charge of evaluating the action plans and the indicative trajectory towards national targets. In terms of ‘market-making’ measures, the directive established that member states should grant RES priority or guaranteed access to the grid system. Overall, the RED slightly increased the authority conferred to the Commission mainly due to the introduction of mandatory national targets (Toke 2008). But this was in practice limited by a decentralized policy framework that left implementation to the member states (Solorio and Bocquillon 2017, 29).

Sources of contestation and the management of authority conflicts

In the process that led to the RED adoption, the Commission started in 2007 a new attempt to promote an EU-wide model for support schemes based on TGCs (Lauber and Schenner 2011). Such an EU-wide support scheme for RES would have meant a significant extension of the EU’s authority to determine the ways in which RES goals were to be reached nationally. In this context, the UK appeared once again as a defender of trade in RES and as an important ally of

the Commission (Solorio and Fairbrass 2017, 110). By early January 2008 the circulating versions of the RED proposal were favourable to this position (Toke 2008, 3003). Despite their success in RES promotion, Germany and Spain were forced to veto an EU-wide harmonization of support schemes based on TGCs in order to preserve their domestic FITs (Vogelpohl et al. 2017, 51-52). Interestingly, the conflicts over support schemes were attenuated and compromise was made possible in part because the UK changed its negotiation strategy from one based on national preferences to one of coalition-building. In 2008, the UK together with Germany and Poland presented a joint proposal that discarded TGCs while introducing the concept of ‘non-trading flexibility’ (Lauber and Schenner 2011, 520). The acceptance of this proposal, that ended up being included in the RED, was also possible thanks to France’s role as a ‘honest broker’ (Bocquillon and Evrard 2017, 170). This meant that while the binding prescription of an EU model for domestic support schemes was avoided, the directive facilitated the voluntary cooperation and coordination among member states via joint support schemes, joint projects and statistical RES transfers. Authority conflicts were again mitigated through the continuation of a soft governance approach that facilitated flexibility in the design and implementation of national support schemes.

In the same vein, the nature and level of ambition of the RES target as well as the breakdown of the overall target into specific sub-targets for the different types of RES was a particularly delicate issue because, for the first time, new member states – those that had entered the EU in the first and second round of Eastern enlargement – undertook serious attempts to upload their domestic policy preferences to the EU level (Jörgens et al., 2017). Together with Italy, Eastern European member states were concerned about the economic costs of the Commission’s

proposal. Italy was opposed to national binding targets on the grounds of the economic challenge that they represented and because it was considered as ‘an imposition to modify the energy mix’ (Di Nucci and Russolillo 2017, 130). Representing various Eastern European member states, Poland also demanded a more flexible application of the climate and energy package (Jankowska and Ancygier 2017). On the other side, a group of traditional ‘green’ member states including Denmark and Germany backed the Commission proposal (Dyrhaug 2017, 95; Vogelpohl et al. 2017). In the middle were member states like the UK, France, the Netherlands and Spain which, although supportive to the RES goal, were more reluctant to translate it into binding national targets (Bürgin 2015, 696). Ultimately, the endorsement of the 20-20-20 targets at the European Council in March 2007 was considered an achievement of German Chancellor Angela Merkel’s leadership (Solorio and Bocquillon 2017) combined with the pressure on some of the EU leaders that resulted from their previous climate commitments (Skovgaard 2013). A crucial part of the deal was the introduction of an economic justice criterion to the distribution of the RES target among the member states, the existence of non-binding sub-sectoral targets and the lack of explicit sanctions for non-compliance (Solorio and Bocquillon 2017). In fact, the most significant competence shifted to the Commission was the possibility to issue recommendations for member states on how best to achieve their national targets in case of non-compliance. Overall, national obligations were still considerably loose and the conferral of authority to the Commission ended up being much more limited than would have been the case with the original proposal (Solorio and Bocquillon 2017, 29-33).

Implementation and policy change

When assessing the RED implementation, direct top-down Europeanization plays an important role only in a relatively small number of countries, namely Italy and France as well as new member states such as Poland, Romania and Bulgaria (Jörgens et al. 2017, 294-296). The main reason was that – apart from the mandatory national RES targets that were perceived as a great challenge for example in Italy, the Netherlands and France – the RED created only very limited direct adaptational pressure in the member states. Actually, it had its biggest impact on those member states that joined the EU after 2004 given that accession countries were under special scrutiny to comply with the entire body of EU secondary law (including those laws that were still in the making) (Davidescu 2017; Hiteva and Maltby 2017).

Concerning horizontal Europeanization, this phase was characterized by the parallel diffusion of two types of support schemes: the FITs, where Germany continued to be the European role model, and TGCs, with the UK being the main point of reference (Busch and Jörgens 2012). But horizontal Europeanization was not limited to the successful cross-national diffusion of support schemes, but also occurred at the level of specific settings. An example is the cross-national transfer of limits for installed photovoltaics (PV) capacity. Similar to what happened in Spain, annual limits on installed PV capacity were introduced in Italy by the mid-2010s (Di Nucci and Russolillo 2017). Finally, in cases where policy development at the national level was blocked or lagged behind the expectations of domestic proponents, the horizontal diffusion of ambitious policies sometimes shifted to the subnational level. For example, in the Netherlands proactive local governments drew inspiration for ambitious RES-E policies from their counterparts in Germany (Hoppe and van Bueren 2017).

Nevertheless, the implementation of the RED occurred in an unfavourable context. On the one hand, the setback at the 2009 Climate Summit in Copenhagen shed doubts on the alleged EU leadership in global climate politics and on the viability of a European energy transition (Wurzel and Connelly 2017). On the other hand, ‘the financial crisis and its economic and budgetary consequences (...) fueled debates about the cost of RES support schemes, which have been blamed for rising electricity prices in several member states’ (Solorio and Bocquillon 2017, 34). This context rebooted claims from part of some member states for the renationalization of the climate and energy governance framework (Bürgin 2015, 699).

Round 3: The 2018 RED II and the management of sovereignty surpluses

Conferring authority

In January 2014, the Commission put forward its proposal for a post-2020 climate and energy framework, including a 40% GHG emissions reduction target by 2030 combined with a 27% RES target and a similar target for energy efficiency (see Dupont, forthcoming). Although binding at the EU level, no mandatory targets were proposed nationally ‘in the name of flexibility’ (Solorio and Bocquillon 2017, 35). This shift was the result of authority debates within the EU. On the one hand, the European Parliament and parts of the Commission were pressing for an ambitious binding RES target (Neslen, 2014; Bürgin 2015). On the other, parts of the Commission and a bloc of member states led by the UK argued in favour of a technology neutral energy transition, showing mainly a substance-based contestation related to the means of achieving the decarbonization of the energy sector (Neslen 2014; EURACTIV, 2014). In a context still marked by the economic and financial crises (Bürgin 2015, 698), the October 2014

European Council ended up endorsing the Commission's proposal. Only Denmark, Germany and the Netherlands pushed for a more ambitious binding RES target of 30% by 2030, while Spain and Italy backed a target of at least 27% (Dyrhaug 2017; Vogelpohl et al. 2017; Hoppe and van Bueren 2017). In the end, the 2030 climate and energy framework (with a 27% target for RES that is binding at the EU but not at the national level) suggested a trend towards the renationalization of the EU renewable energy policy's governance structure (Solorio and Bocquillon 2017, 34-36).

By the end of 2016, in a post-Paris Agreement context and with the purpose of implementing the 2030 climate and energy framework, the Commission put forward a package to speed up its energy transition in line with Commission President Juncker's Energy Union priorities. The package comprised measures such as a Regulation on the Governance of the Energy Union (see Bocquillon and Maltby, forthcoming), the Energy Performance in Buildings Directive together with the Energy Efficiency Directive (see Dupont forthcoming), and the RED II. In relation to the latter, the text proposed an EU-wide target of 27% for 2030 and the opening up of national support schemes.

In February 2017, Ministers in the Energy Council underlined the need to make progress on all proposals and stressed the strategic relevance of the Energy Union. However, in relation to the RED II, member states remained divided over support schemes. While 'several ministers supported the move towards a more market-based approach' (European Council 2017, 8) – in line with the guidelines on state aid for environmental protection and energy 2014 –2020, many argued in favour of flexibility. On December 2017, the Council agreed to pursue the proposed

27% target. Yet, by January 2018, the European Parliament adopted a draft law envisioning a RES share of 35% by 2030 and, quite surprisingly, in April 2018 EU energy Ministers revealed that member states were reconsidering the ambition of RES targets (Morgan 2018). A trilateral agreement between negotiators of the Commission, the European Parliament and the Council was reached on June 2018, setting an EU-wide RES target of 32% by 2030 (including the same three sectors as the previous one) and containing a review clause by 2023 for an upward revision if necessary. This compromise was possible because, against all odds, in the final stretch of the RED II negotiations, a group of member states including Spain, Italy, Portugal, Germany, Austria, the Netherlands, Denmark and Luxembourg had accepted a more ambitious policy (Darby, 2018b; Simons, 2018a). A game-changer was the entrance of new governments in Spain and Italy, ‘shifting the majority’ (Simon 2018a) within the Council. Despite the pressures from the European Parliament and environmental campaigners, Germany’s veto against a target above 32% of RES impeded higher ambitions (Simon 2018b).

The Commission remained in charge of assessing the member states’ performance, but this time backed by the Regulation on the Governance of the Energy Union and Climate Action, a legislative piece that requires all member states to develop integrated National Energy and Climate Plans (NECPs) while giving the Commission the power to monitor national and EU progress towards achieving the energy and climate targets (see Bocquillon and Maltby, forthcoming). Additionally, the opening of support schemes for producers located in other member states was approved and a clause on the stability of financial support was embraced. Overall, the final agreement increased the diffusion of authority in EU renewable energy policy.

Sources of contestation and the management of authority conflicts

The domestic impact of EU renewable energy policy is key for understanding the desire of member states to slow down European integration in this field. In the aftermath of the economic and financial crises, the contestation of EU authority came from concerns with high electricity prices, costly infrastructure investments and the competitiveness of domestic industries. This context even led countries such as Germany, Spain and Denmark, known for their success in RES promotion, to take a more reluctant approach towards the 2030 goals. The reasons for this shift are manifold, but several of our national case studies draw a picture of self-defeating success of RES-promotion aggravated by the economic and financial crises. For example, Europeanization in Bulgaria and Romania led to a fast and very effective transposition of EU directives that was later counteracted by non-compliance and a partial dismantling of the domestic RES-E support schemes (Jörgens et al., 2017).

The financial and budgetary strains caused by a successful promotion of RES-E is by no means restricted to the less affluent members of the EU. A pioneer with respect to the dismantling of FITs was the Netherlands which abolished their successful support scheme in 2006, only three years after it had come into force (Hoppe and van Bueren 2017). A similar development can be observed in Spain whose very successful FITs underwent a stepwise dismantling in 2007/2008. Regarding France, by 2010 ‘the high level of the solar PV FITs was made responsible for a ‘speculative bubble’ and rising electricity prices, and criticized for favouring technology imports over national industry support’ (Bocquillon and Evrard 2017, 171). As in Spain, the PV FIT was eventually dismantled. Blame-shifting towards the EU was the defining feature of national

government's performance, contributing to an environment of skepticism towards European integration amongst the population (Jørgens et al., 2017).

In this context, the authority claims by member states were mainly driven by a substance-based contestation. The Poland-led Visegrad Group, representing Central European countries, pressed for greater flexibility and financial assistance to modernize their energy systems and meet future climate targets (Simon, 2018b). For this group of countries, the problem was more about the purpose of EU renewable energy policy, which from their perspective should support modernization and economic development instead of representing a financial burden. Against this background, the UK appeared as the toughest opponent of the 32% of RES goal, calling along the negotiations for a 30% target (Vaughan 2018), and its commitment to EU goals after Brexit is uncertain (Darby 2018a).

The adoption of the 2018 RED II revealed two ways of settling authority conflicts. First, the abandonment of binding national targets placed limits on previously delegated authority without going as far as a full renationalization of the EU renewable energy policy. Second, diffuse authority was fine-tuned with the agreement on the monitoring of national performance. Despite the fact that member states are responsible for defining their national contributions to meet the collectively binding EU-target, the revision process is now regulated by the Energy Union Governance Regulation (Bocquillon and Maltby, forthcoming). While national governments prepare integrated NECPs, i.e. ten-year period plans which must include specific RES goals, the Commission is responsible for assessing the draft plans and has the power to issue country-specific recommendations. On the one hand, this compromise, which has been defined

as soft governance with harder edge (Oberthür, 2019, cf. Bocquillon and Maltby, forthcoming), settled concerns over the RES targets and the constraints it imposed upon the national government's control over their energy mix. On the other, part of the substance-based contestation over the purpose and costs of energy transition was solved thanks to a successful strategy of de-politicization. After several unsuccessful attempts to prescribe an EU model for support schemes, with the guidelines on state aid for environmental protection and energy 2014–2020, the Commission opted for the proscription of FITs as permissible state aid – having to be replaced, ‘after a transitional phase’ by tendering procures or TGCs (Vogelpohl et al. 2017, 53). Consequently, support systems were no longer the subject of heated discussions during the negotiations. Besides, the inclusion of RES targets within the energy governance regulation – with its emphasis on meeting the Paris Agreement – also contributed to reduce contestation.

Implementation

At the time of writing it is still early to assess the implementation of RED II. As a first step, member states were required to submit draft NECPs to the European Commission by the end of 2018. This deadline was missed by seven member states and a significant number of plans that were submitted on time did not follow the template provided by the European Commission and lack some of the required information (Morgan 2019). Finally, however, the 28 member states presented their first draft of NECPs, which have been subject to the Commission's scrutiny². According to it (European Commission 2019a, 3), under current draft plans, the EU would fall below the 32% share of RES. By June 2019 the Vice-President for the Energy Union, Maroš Šefčovič insisted on the fact that final plans have to be ready by the end of 2019 and that by then the ambition gap has to be closed (European Commission, 2019b). Apparently, this indicates that

the EU's ambitious climate goals and their implications for the domestic renewable energy policies continue to be contested at the national level.

Conclusions

Based on the case of RES promotion, this article has dealt with authority debates in EU energy policy and their evolution over time. By employing an exploratory process tracing method and following three rounds of Europeanization, we have been able to systematically analyze: (i) the delegation of authority to the EU; (ii) the contestation of EU authority by some of the member states as a reaction to issue-specific Europeanization processes; and (iii) the ways in which authority conflicts were managed during the negotiations of the RES-E directive, the RED, and the RED II. The Europeanization framework has proved to be a useful tool for exploring the complex causality behind EU's authority turns as well as for understanding the role played by procedural factors including recurrent instances of policy formulation and implementation and feedback loops between different rounds of policymaking. Our empirical findings call for a more intense use of Europeanization as an analytical path to examine the extent to which de-Europeanization is a consequence of feedback loops in EU policy-making.

In addition, our case study shows that the observation of feedback loops between different rounds of Europeanization is useful for exploring the complex causality behind the contestation

² This information is available at the Commission webpage: <https://ec.europa.eu/energy/en/topics/energy-strategy-and-energy-union/governance-energy-union/national-energy-climate-plans>

of authority between the EU and its member states. A contestation that in some cases has even led to instances of de-Europeanization in the renewable electricity policy domain. Our case study also demonstrates that a research design that covers several rounds of Europeanization is a suitable strategy for examining the different ways in which authority conflicts are managed over time.

Regarding the framework of this special issue, this article has shown that, driven by a combination of functional needs (related to RES advantages for national energy systems) and value-based objectives (related to the alleged EU international leadership on climate change), member states have tended, not always enthusiastically, to displace legal authority upwards in order to build and maintain a common EU renewable energy policy. Interestingly, given that this policy area touches upon national sovereignty over the energy mix, the delegation of authority to the EU has mainly followed the logic of soft modes of governance. Despite this, EU renewable energy policy has been able to produce changes nationally so that in recent years the policy has been characterized by a contestation by member states. While sovereignty-based contestation concerning national RES targets was solved via fine-tuning existing forms of soft governance in the context of the Energy Union's new governance regulation, substance-based contestation related to support schemes was managed with a (de)politization of the issue. Instead of pressing once again for a harmonization of support schemes, the Commission finally solved the issue, making use of the guidelines on state aid for environmental protection and energy 2014–2020. In this way, the analytical framework outlined in the introduction to this Special Issue demonstrates its usefulness for understanding authority debates in an EU immersed in a post-functionalist dilemma.

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