

## Chapter 2

# The EU's Energy Policy Agenda: Directions and Developments

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**Abstract** This chapter deals with the emergence and development of energy policy agendas in European institutions. The first part of the chapter identifies the broad lines in the development of energy policy in the EU over the last six decades. It starts out with a description of how energy policy making as well as its institutional framework have evolved since the foundation of the EU. In this context, the focus is on policies dealing with the generation and provision of energy. Hence, it addresses issues of energy mixes, energy security and energy infrastructure. The second part of the chapter offers an analysis of the patterns of agenda shaping regarding the development of a comprehensive EU energy policy that has been on the political agenda of the EU since the mid-2000s. The aim of the qualitative analysis is to assess the impact of situational factors (e.g. problem perception and framing) and institutional determinants (e.g. perceived authority) on the inter-institutional and internal energy policy agendas of different European institutions.

### 2.1 Introduction: The Context of EU Energy Policy

In times of increasing environmental and climate challenges or diplomatic crises, energy issues have repeatedly entered the agendas of policy makers, researchers and society in the European Union under a number of different frames. During the last 60 years, EU environmental policy has taken place under changing institutional, environmental and societal conditions. These conditions have influenced both agenda shaping and decision making with regard to the regulation of energy issues. During the first decades of the European integration process, the main motivation was to secure energy provision in an emerging community of nation-states. Moreover in the 1960s, 1970s and 1980s, several attempts were made to design a

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comprehensive energy policy and to transfer national capacities with regard to energy security to the EU (Correljé and van der Linde 2006)—a topic that has recently gained renewed attention. However, in the absence of any concrete primary law to empower the EU institutions to regulate the energy sectors prior to the mid-1980s, these attempts failed because they did not reach consensus among the member states. Finally in the 1990s, the EU was successful in liberalising the electricity market (see Ciambra and Solorio in Chap. 8). However, despite its implications for the common market, energy policy was not defined as an area of priority action by primary (i.e. treaty) law until the passage of the Treaty of Lisbon (Braun 2011). Since then, energy policy has ranked high on the EU's political agenda, which has also led to the passage of concrete regulatory decisions. This process was also motivated and shaped by concerns for environmental and climate change. In addition, the mid- and long-term security of energy supplies has been a main driver of the EU's energy policy agenda (Piebalgs 2009).

Altogether, the emergence of EU energy policy decisions and their agenda-shaping processes have been strongly linked to developments in the international energy markets, the evolution of EU primary law, national policy targets and decisions as well as developments in the environment and climate. Changes in treaty law and problem perception along with new framing opportunities have therefore paved the way for the development of a comprehensive energy policy since the mid-2000s. Shortly thereafter, regulations were passed to extend the agenda-shaping power of the European public through the introduction of the European Citizens' Initiative thereby laying the legal foundations for a smooth interaction between the systemic and the EU's political agendas (see Tosun et al. in Chap. 1).

The following chapter seeks to draw a systematic and coherent picture of these processes by contrasting the agenda-shaping processes with subsequent decision making in energy policy in EU institutions. More precisely, it will provide a review of the legal documents on energy policy issued by different EU institutions since 1960. By considering and evaluating agenda-related documents (e.g. green papers or recommendations by the Commission), I assess the degree of attention that has been devoted to a certain issue or sub-aspect over time. I will then turn to the legislative output and describe when European institutions have been most active in regulating these matters. The gathering and presentation of information lays the ground for a detailed follow-up analysis of agenda-shaping patterns in different European institutions following the European Council meeting in 2005 (Hampton Court), which marks the beginning of the development of a comprehensive EU energy policy.

This chapter is structured thus. First, I briefly describe the evolution of the institutional framework for energy policy making in the EU since its foundation. Then, I provide an overview of the main dynamics and developments in agenda shaping and regulation with respect to energy policy in the Commission and the Council. After that, I discuss how current institutional rules and recent developments in energy demand, technology, problem perception and framing have influenced recent agenda-shaping patterns and attempts to develop a comprehensive EU energy policy since 2005.

## 2.2 Evolving Institutional and Legal Conditions of EU Energy Policy

The impact of institutional and legal conditions on energy policy making in the EU has been of interest to a number of scholars. They assess how primary law and institutional conditions determine the content, pace and direction of energy policy making in the EU (Schmitt and Schulze 2011). In this context, scholarly interest has been widespread with respect to the environmental dimension of EU energy policy, especially in the context of the principle of Environmental Policy Integration (EPI; see e.g. Collier 2002; Lenschow 2002; Tosun and Solorio 2011).

Energy issues were part of the EU's political agenda already in the first steps of the European integration process (Lucas 1977; Matlár 1997). The foundation of the European Coal and Steel Community (ECSC) in 1951 and the European Atomic Energy Community in 1957 was to guarantee the supply of energy in an emerging community of nation-states. Notwithstanding the initial significance attached to energy issues, attempts to extend EU policy beyond the ECSC and Euratom were seldom made (Egenhofer et al. 2011). This was mainly due to the limits of primary law that confined the Commission's room for manoeuvre in energy issues to the provisions established through ECSC and Euratom (see Article 16 of the TFEU 1957).

Over the years, the European Commission (henceforth: Commission) backed by the European Parliament (EP) made several attempts to modify treaty law by including an energy chapter. These attempts repeatedly failed due to the resistance by member states that were reluctant to transfer further competencies in energy matters to the EU (see also Ciambra and Solorio in Chap. 8). The Treaty of Maastricht (or Treaty on EU; TEU 1992) underscored the role of energy security and policy for the functioning of the EU by specifying that "measures in the spheres of energy, civil protection and tourism" (TEU 1992: Article 3t) constitute priority matters for the Community. According to treaty law, this refers specifically to energy infrastructure and networks. Already five years earlier, the Environmental Policy Integration principle had been included into treaty law (by means of the Single European Act (SEA 1987: Article 130r); see Tosun et al. in Chap. 1).

This change in treaty law allowed EU policy makers to frame energy initiatives as environmental policies. This principle was further strengthened in the Treaty of Amsterdam (1997: Article 6) (see Mahmoudi 2000). Altogether, from the late 1980s onward EU decision makers have been able to couple energy policy objectives with a number of other policy goals (with e.g. common market interests or energy security; see Lenschow and Zito 1998). This diversification increased the importance of agenda shaping as the stage of the policy cycle in which problems are defined and framed.

In sum, energy policies in the EU in the first decades took mostly the form of broad policy objectives. In addition, energy issues have repeatedly been brought on the political agenda along with several attempts to extend the EU's legal capacities for energy policy. However, the EU still lacked a consistent European energy policy. As a consequence at the European Council meeting in Hampton Court in

**Table 1** Energy policy and treaty law in the European Union

	<b>First stage</b>	<b>Second stage</b>	<b>Third stage</b>
<b>Time frame</b>	Mid-1950s to late 1980s	Late 1980s to mid-2000s	Since mid-2000s
<b>Legal framework</b>	• European Coal and Steel Community (1951)	• Single European Act (1987)	• Treaty of Lisbon (2007)
	• Atomic Energy Community (1957)	• Treaty of Maastricht (1992)	
<b>Focus of EU energy policy</b>	• Energy security	• Environmental policy integration (EPI) principle	• Functioning of energy markets
	• Common market	• Energy as a priority matter	• Energy supply • Energy efficiency • Renewable energy • Interconnection of energy networks

*Source* Own elaboration based on TFEU (1957), SEA (1987), TEU (1992), Treaty of Amsterdam (1997), Treaty of Lisbon (2007)

October 2005, heads of state formally agreed to develop a comprehensive European energy policy. This initiative was followed by the Commission in spring 2006 that published the green paper “A European Strategy for Sustainable, Competitive and Secure Energy” in which the Commission proposed concrete measures to concretise a common European energy policy.

The Treaty of Lisbon (2007) finally provided a more specific frame for energy policy activities in the EU. Policy making should be designed to (1) support the functioning of energy markets, (2) secure energy supply, (3) promote energy efficiency, (4) support the development and exploitation of renewable energy sources and to (5) advance the interconnection of energy networks. Treaty law hence provided a broad mandate for energy policy making, which enabled decision makers not only to enact comprehensive regulation of the policy field as a whole but also to pursue a number of different (or even conflicting) energy-related policy goals. These developments have had effects not only on agenda-shaping dynamics in different European institutions. Treaty law has also consistently influenced decision-making procedures in the EU. Table 1 summarises the different stages of EU energy policy over the last decades.

On top of these changes and following a regulation of the EP and the Council in 2011, European citizens have been given the possibility to submit citizens’ initiatives—a right that was granted to them by the Treaty on EU and the Treaty of Lisbon. Since spring 2012, a total of 13 successful or open initiatives have been

registered with the goal to request the Commission to initiate or adjust legislation on different topics.<sup>1</sup> The European Citizens' Initiative enables the public to shape the Commission's and hence the EU's overall political agenda also but not only in terms of energy policy. In August 2012, a citizens' initiative was started to suspend the 2009 "Energy and Climate Change" package of the EU hence moving this issue again from the systemic to the political agenda of the Commission (Cobb and Elder 1972, 1991; Cobb et al. 1976).

### 2.3 The Evolvement of Energy Policy Agendas in EU Institutions

Changing institutional and legal conditions over the last six decades have led to evolving agenda-shaping and decision-making processes in different EU institutions. In order to illustrate the developments in attention for energy issues, this section will provide a descriptive account of the amount of official documents issued in the context of these processes. On the one hand, I assume the degree of attention and decision-making activity for certain issues to be reflected in the number of *legislative documents* in force on the different dimensions of energy policy. On the other hand, there are also situations, in which political attention for certain issues does not last beyond the agenda-setting stage of an institution either because agenda setting is unsuccessful and the issue is dropped altogether from the agenda or because the issue is being delegated to other institutions for further decision making. In order to address these cases, the analysis also includes the number of *preparatory documents* on the different energy topics issued by EU institutions over time.

I look at the developments in the issuance of preparatory and legal documents in two different European decision-making bodies, which are the Commission and the Council of Ministers (or Council). Such a perspective seems fruitful as it allows me to compare two institutions that have repeatedly been the target for delegated action in energy policy by the European Council (see Chap. 3 by Alexandrova and Timmermans). Moreover, it allows for comparing the institution with the formal monopoly for agenda setting (the Commission) with an institution that has contingent or indirect agenda setting powers (the Council) through its ability to request legislative initiatives from the Commission.

The following sections assess how and at what pace the overall degree of agenda activity has evolved over time in the two institutions. In this context, I compare regulation and agenda shaping surrounding different dimensions of energy policy

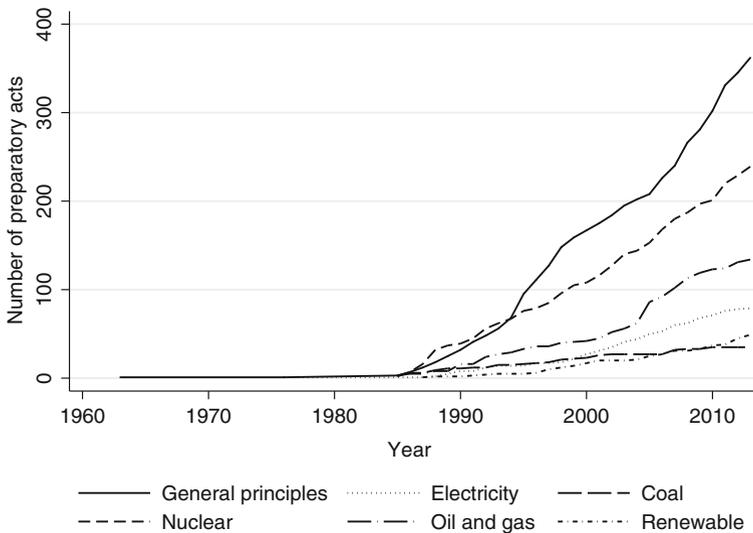
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<sup>1</sup> Successful initiatives refer to closed initiatives that were not withdrawn and that received sufficient support by European citizens (this is true for 9 out of 25 initiatives since 2012 with 4 initiatives that are still ongoing). See also <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing> (last accessed 16 October 2014).

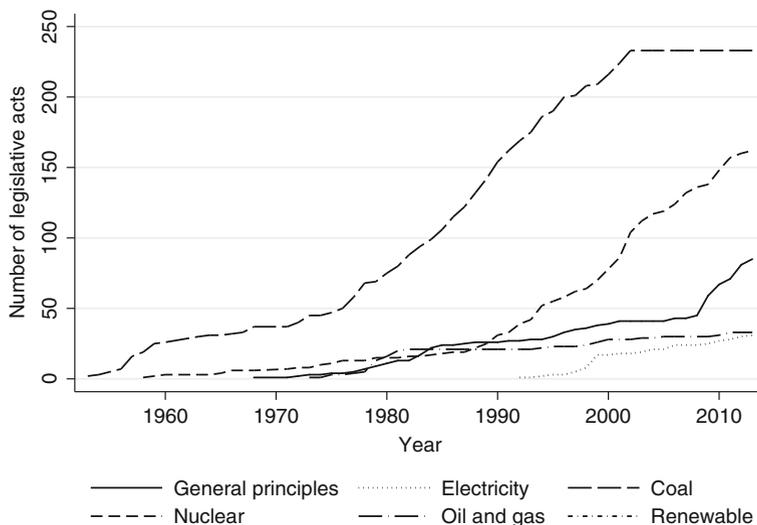
(i.e. general principles, electricity as well as coal, oil and gas, nuclear energy or renewable energy) in the Commission and the Council. This prepares the ground for the subsequent section, in which I take an in-depth look at the agenda-shaping cascade in European institutions following the European Council meeting in Hampton Court in 2005 and in the wake of the Treaty of Lisbon.

### 2.3.1 The Energy Policy Agenda of the Commission

In order to understand agenda-shaping priorities in energy policy in the EU, the following paragraphs compare the development in the number of preparatory acts and legislative documents for different issues of energy policy over the last decades. Figures 2.1 and 2.2 graphically depict how “densely” energy production from different sources (coal, nuclear, oil, gas, renewables, etc.) has been addressed in the Commission from 1960 to 2010 (see Knill et al. 2011 for an overview of conceptual alternatives for measuring policy change). They also approximate the role that internal market considerations have played over time (e.g. through the regulation of the electricity market) and how often general principles and programmes were subject to the agenda-shaping or decision-making processes. The figures illustrate the cumulative number of documents (that is preparatory acts and legislative documents respectively). They do not report the content, bindingness, extent or the number of issues addressed in the different provisions. Therefore, the counts can only serve as rough proxies for the development in attention and regulation over



**Fig. 2.1** Number of preparatory acts on energy issued by the Commission. *Source* Own illustration based on EUR-Lex (2013)



**Fig. 2.2** Number of legislative acts on energy issued by the Commission. *Source* Own illustration based on EUR-Lex (2013)

time. Furthermore, the comparison between the two figures (preparatory versus legislative documents) allows for assessing if issues that have been on the agenda actually translate into concrete regulation.

Attention in the Commission has been traditionally high with regard to general principles and programmes in energy policy (Fig. 2.1). Since the mid-1980s, the energy policy agenda of the Commission has constantly dealt with overall objectives of EU energy policy. Nevertheless, political attention has often not translated into concrete policy decisions (Fig. 2.2), which is in part explained by limited decision-making competencies of the Commission in this area. Another focus of the Commission's preparatory documents has been on the regulation of nuclear energy based on the Euratom treaty. In this context, the Commission has repeatedly brought the issue (nuclear energy) also back to the Council's policy agenda by proposing Council decisions or by reporting on past activities in this area of regulation. In fact, several attempts have been made in the Commission to shape the Council's agenda and to encourage legislative action (through proposals, draft regulations or directives, communications as well as green papers and reports). This is also true for the Commission's agenda in the area of oil and gas—at least as it concerns the years from 1985 to the mid-1990s. During this period, most of the preparatory acts were directed to the Council with the explicit request to address certain issues related to the regulation of oil and gas in the EU. These agenda-shaping activities were successful if we look at the Council's legislative record in these areas (see Fig. 2.4).

However, also the Commission's policy agenda has also been shaped by the political agendas of other EU bodies. Since the mid-1990s, the European Council has increasingly requested the Commission to regulate energy matters by means of

delegated action (see Alexandrova and Timmermans in Chap. 3). As the case studies of this volume illustrate, the Commission has prioritised certain energy issues over others, which is why the success of these requests in terms of concrete policy outputs varies over issues.

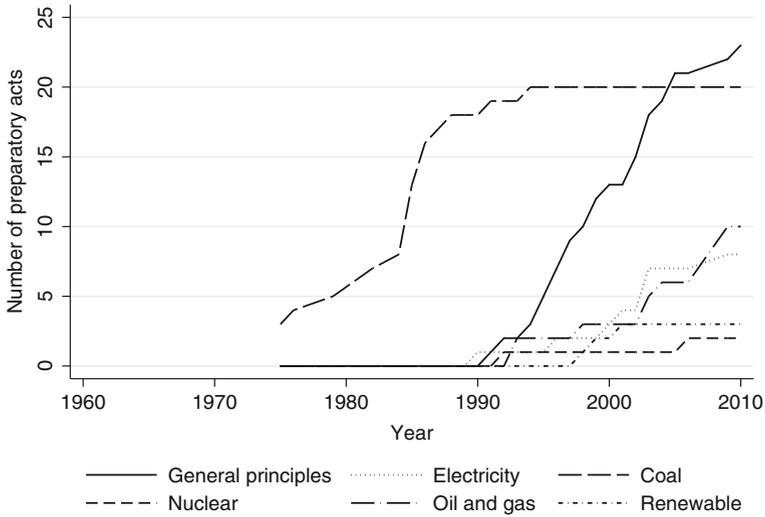
The policy priorities are broadly reflected in the Commission's legislative activity with regard to energy policy (see Fig. 2.2). As outlined above, regulation in the area of coal usually took the form of approving aids from different member states to the national coal-mining industry, which were usually granted for a period of one year. Since the turn of the millennium, activity in this area has stopped altogether. In line with the Commission's agenda, much regulation was also passed in the area of nuclear energy. This has come in the form of Commission Decisions but also Commission Opinions with respect to national policy decisions in this area (e.g. on decommissioning or dismantling of nuclear facilities in member states or the disposal of radioactive waste).

Finally, especially since the mid-2000s, the Commission has increasingly become involved in the regulation of general principles and programmes in the energy sector. This may be due to the increasing complexity of energy policy, technological progress and the diversification of energy generation. This finding also reflects the complex interrelationship between energy, climate and environmental policy making, which has not sufficiently been addressed by past legislation. All in all, it shows how the framing of energy policy as a horizontal policy issue (Egenhofer et al. 2011) has increased the perceived need of policy actors for a coherent approach in EU energy policy. Altogether, the broad overview of agenda shaping and decision making illustrates that the development of a comprehensive EU energy policy has gradually become a priority on the Commission's energy policy agenda in times of growing environmental challenges (Oberthür and Pallemarts 2010; Schmitt and Schulze 2011; Solorio 2011).

### ***2.3.2 The Energy Policy Agenda of the Council***

The picture is slightly different for the Council. Figure 2.3 shows that attention in the Council has changed over time. From 1975 to 1990 the Council mainly published preparatory acts on energy generation based on coal. By issuing a number of assents, it empowered the Commission to grant support to the European coal industry or to support research in this area. The Council hence directly structured the Commission's policy agenda and regulatory activity with regard to energy production from fossil fuels (i.e. coal, see Fig. 2.2).

The picture became more diverse in the beginning of the 1990s. The Treaty of Maastricht (1992) meant a diversification in the Council's approach towards energy policy in the EU. From then on, the design of general principles and programmes became more important and has influenced the energy debate in the Council until today. This is reflected in different publications of Council positions on a number of issues such as energy networks, energy mix, the role of different sources therein and

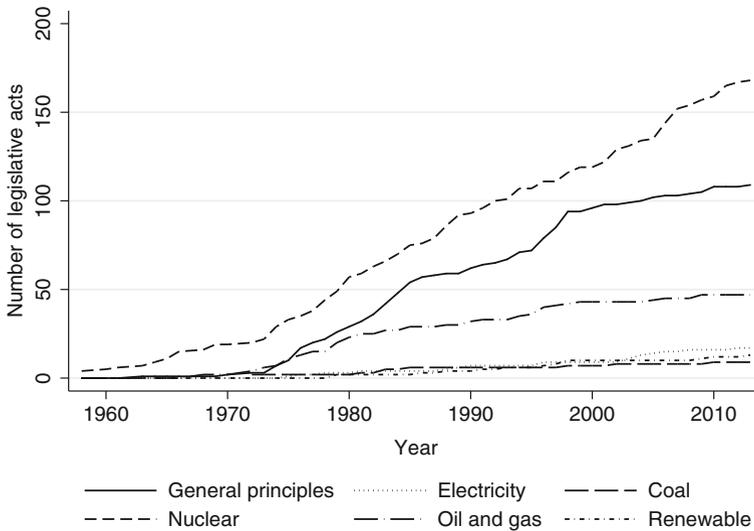


**Fig. 2.3** Number of preparatory acts on energy issued by the Council of the EU. *Source* own illustration based on EUR-Lex (2013)

energy efficiency. In addition, internal market considerations (electricity) and external energy relations (oil and gas) have repeatedly been on the Council’s policy agenda since the mid-1990s, which was in part prompted by the Commission.

This picture roughly corresponds to the actual regulatory activity in the Council. Apart from Euratom’s activities in regulating nuclear energy provisions and structures in the EU, the Council has mainly and constantly acted to specify the broad lines of energy policy (general principles and programmes, see Fig. 2.4).

Moreover, policy making in Council reflects the energy policy agenda of the European Council (i.e. the heads of state or government of the member states), which is also due to the institutional linkage of the two EU bodies. Until the early 2000s, the Council was the main target for delegated action in energy policy by the European Council (see Alexandrova and Timmermans in Chap. 3). By means of mostly recommendations, resolutions, directives and decisions, the Council has therefore worked among other things on an energy policy strategy for the EU, financial issues as well as research and demonstration projects. Since the mid-1990s, a number of these policies on general principles have been developed in cooperation with the EP based on the co-decision procedure that was introduced by the Treaty of Maastricht. Another area of regulatory involvement of the Council is external energy relations and internal market issues with regard to the provision with oil and gas. Due to the EU’s import dependency in this area, most of the initiatives regulate external trade and internal market aspects with regard to energy production from and imports of oil and gas. Compared to these fields of action, the Council has paid relatively little but even attention to the regulation of the remaining aspects of energy policy (that is coal, electricity and renewable energy).



**Fig. 2.4** Number of legislative acts on energy issued by the Council of the EU. *Source* own illustration based on EUR-Lex (2013)

This section illustrated patterns of EU agenda shaping and regulation in two institutions—the Commission and the Council. Agenda-shaping dynamics were roughly approximated with the number of preparatory acts for a given issue. The number of legislative acts was used to reflect the priority of regulation and the legal competences to do so. By focusing on the field of energy policy only, the figures do not allow for any conclusions with regard to the relative attention that is paid to the area of energy policy as compared to other fields of regulation (but see Alexandrova and Timmermans in Chap. 3 for an assessment of the distribution of attention over different policy fields in the European Council).

The broad lines of agenda shaping and decision making as illustrated in Figs. 2.1, 2.2, 2.3 and 2.4 allow for different conclusions. First, they show that agenda shaping in an institution usually corresponds to the overall subsequent regulatory or legislative output. Second, they draw the overall changes in EU energy policy as a consequence of technological developments, different priorities and changing policy problems. Third, there is also evidence for inter-institutional dynamics (i.e. the transfer of attention and priorities), which will be explored in more detail in the next section. Finally, the figures showed that the idea to fundamentally adjust or develop EU energy policy has increasingly been on the political agenda of both the Commission and the Council (but also of other European institutions). This pattern suggests that the idea to develop a comprehensive EU energy policy was not motivated exclusively by external factors or events but that it was also promoted from within EU institutions (see also Princen 2007, p. 24ff).

## **2.4 Patterns of Inter-institutional Agenda Shaping and the Emergence of a Comprehensive EU Energy Policy**

The previous sections showed that agenda shaping and energy policy making in different areas were for a long time singular and constituted rather a series of single decisions. This is for instance true for the EU's regulatory approaches in the areas of nuclear energy (see Egenhofer and Behrens 2011). These developments reflect the structural and institutional conditions in which the decisions were made. Notwithstanding, as outlined in Sect. 2.2, energy policy has increasingly become a policy field on its own with strong links to neighbouring fields such as environmental, climate or technological policy. As a result since the mid-2000s, European institutions and actors have worked towards the development of a comprehensive European energy policy (or the EU energy union), which had been on the political agenda of different EU institutions for a while (see Sect. 2.3). An approach was needed to adequately accommodate current challenges in the generation, use and distribution of energy by incorporating developments in related areas of regulation such as climate, environment, technology and research. The following subsections shed light on this process. The subsequent part 2.4.1 identifies the structural determinants of agenda shaping. Section 2.4.2 assesses the impact of the European Council and the Commission on the development of a comprehensive EU energy policy. Section 2.4.3 highlights the role of the EP in shaping the EU's energy policy agenda and the resulting legislative process.

### ***2.4.1 Structural Determinants of the EU's Energy Policy Agenda***

The recent development of a comprehensive European energy policy is embedded in a policy discourse that has evolved over the past six decades. By creating the frame for the policy-making process, this discourse shapes the political and policy agendas in the following dimensions.

First, institutional and legal conditions have always defined the procedure for policy actors (see above Sect. 2.2). With the fourth Environmental Action Programme (1987–1992) for instance, environmental considerations have become a core element of the EU's energy policy agenda (Hey 2005; Lenschow 1999; Schmitt and Schulze 2011; Tosun and Solorio 2011) simultaneously to the formal inclusion of the Environmental Policy Integration principle into treaty law (i.e. in the Single European Act 1987; see also Barnes and Hoerber 2013).

Second, economic and trade-related developments have constantly impacted EU energy policy considerations due to the EU's dependence on energy imports (in particular oil and gas). As a consequence, energy security has increasingly become a priority within the EU's overall energy policy approach (Correljé and van der

Linde 2006; Jong and van der Linde 2008)—especially after the oil crisis of the 1970s and again so in the context of the Russia-Ukraine crisis.

Third and related to the previous aspect, there is a manifested problem, which is due to human-induced deterioration of the environment and climate. This situation has created an ever-growing need to adjust energy policies on all administrative levels (including the EU) and to further technological innovation. As a consequence, energy efficiency and renewable energies have become crucial components in the EU's energy policy (see Collier 2002; see also Jacobs in Chap. 6 for a detailed description of the Commission's take on renewable energy since 2000). These developments are illustrative of the hybrid nature of the field of energy policy. During the first decades, the regulation of energy issues was legitimated by its contribution to the EU's common market and European integration in general. In recent years however, attention has also been paid to aspects like climate change, environmental protection and security and their relationship with energy policy (see e.g. Ciambra and Solorio in Chap. 8 and Cox and Dekanozishvili in Chap. 9).

Finally, the debates on a comprehensive EU energy policy are contingent on the institutional framework in which the EU institutions are embedded. These structures most likely affect not only the selection of issues to come on the EU political agenda but also the way in which they are framed and eventually addressed (Princen 2007). Moreover, institutional rules mediate the transfer of issues to the inter-institutional policy agenda and influence agenda-shaping patterns across different EU institutions (see Tosun et al. in Chap. 1). Treaty law crucially determines the degree to which EU institutions manage to claim authority for regulating an issue at all (Princen 2011). In addition, legal rules (e.g. the co-decision procedure) along with the building of relevant capacities in institutions also impact the way in which issues then come to the policy agenda in order to be taken up in subsequent decision making (see Herweg in Chap. 5 for a similar analytical distinction).

#### ***2.4.2 Developing an Inter-institutional Agenda for a Comprehensive EU Energy Policy: The Role of the European Council and the Commission***

Institutional changes have facilitated the work on a comprehensive European energy policy since the mid-2000s by providing a common frame for the debates. This process involved a number of European institutions. This section outlines how the European Council and the Commission defined the targets and principles of a future European energy policy thereby shaping the EU's energy policy agenda. This analytical perspective seems fruitful in order to assess agenda-shaping dynamics in a contested policy field, for which the European Council has increasingly claimed political interest and authority (see Chap. 1 by Tosun et al. as well as Chap. 3 by Alexandrova and Timmermans; cf. Bocquillon and Dobbels 2014).

The following paragraphs will focus on the development of the institutions' agendas on energy policy and assess whether inter-institutional communication has led to a harmonisation of these agendas. The decision to design a comprehensive energy policy was made at the European Council meeting in 2005 in Hampton Court and has since then been on the political agenda of most European institutions (for a discussion of the role of the European Council in shaping the 'high-politics' route see Alexandrova and Timmermans Chap. 3). Shortly thereafter, the Commission shaped the EU's energy policy agenda by publishing its "Green paper on a European strategy for sustainable, competitive and secure energy" in March 2006. This document opened up the inter-institutional debate on a formulation of a comprehensive EU energy policy. The Commission's green paper was centred on achieving ambitious climate policies (sustainability) and on finalising the internal energy and gas market (see Herweg in Chap. 5 as well as Brutschin in Chap. 10) with an emphasis on energy security (competitiveness and security of supply). In addition, it called for a broad debate on the future European energy policy thereby putting the topic also on the public agenda. At the same time, the European Parliament debated its own initiative (entitled "A European strategy for sustainable, competitive and secure energy"). The subsequent resolution was passed in December 2006. The goal of the EP's initiative was to harmonise energy policy agendas across institutions by proposing a common approach. Essentially, the EP reinforced the Commission's objectives by further stressing the need for a comprehensive approach.

The initiatives by the Commission, the European Council and the EP were accompanied and influenced by the newly emerging gas dispute between Russia and the Ukraine, which culminated in the crisis of January 2006 and subsequent gas shortages. With the EU depending on Russian gas (40 % share of total gas imports) the periodical flaring of tensions raised in particular questions of energy security and strategic policy responses (see Finon and Locatelli 2008; Stern 2006). As 'focusing events', these tensions shaped the general debate by demonstrating not only the need to agree on a common energy policy as such but also the focus of a future policy strategy (see Cox and Dekanozishvili in Chap. 9; Egenhofer et al. 2011). Energy security, energy networks as well as external energy relations became central issues in the debate.

Subsequently in January 2007, the Commission published a communication to the European institutions entitled "An energy policy for Europe". The document not only summarised the current energy situation in the EU but most importantly specified avenues for future strategic policy making. In order to implement the policy objectives as outlined in the green paper, the communication focused on among other things promoting the internal energy market, securing future energy supply, reducing atmospheric pollution, new energy technologies, energy efficiency and the use of low-carbon energy sources.

Interestingly, the Commission's action plan put particular emphasis on the realisation of the internal energy market as the key target to solve most of the current policy challenges—that is, in particular to address concerns of energy security (see also Jacobs in Chap. 6 for a similar observation). This strategy might

be explained by the fact that the liberalisation of the internal energy market had been on the Commission's policy agenda since the 1980s (see Herweg in Chap. 5 and Ciambra and Solorio in Chap. 8). This framing of the issue (the development of a comprehensive energy policy) as a competition or market problem also reflects institutional and constitutional legacies. As Princen (2007, p. 32) puts it, in order to successfully address issues on the EU's political agenda "actors have to argue not only that certain substantive aspects of an issue are more important than others but also that European action is needed to address it". Thus, framing energy regulation as an internal market problem represented an effective agenda-shaping strategy (see Princen 2011: p. 936ff). In addition, ongoing tensions in the gas dispute as well as the EU's authority in transnational and market issues influenced the direction of the EU's energy policy agenda since the mid-2000s.

The framing of issues on the EU's inter-institutional policy agenda slightly changed with the 2007 spring European Council by the heads of state (see Cox and Dekanozishvili in Chap. 9). At this meeting, particular emphasis was laid on linking the issues of climate and energy policy in order to concretise the policy priorities outlined in the Commission's previous communication. In fact, the debate of the spring European Council was guided by the aim to simultaneously address energy and climate challenges. The European Council committed itself to reduce overall greenhouse gas emissions in the EU (by 20 % by the year 2020 compared to 1990). Moreover, energy efficiency should be increased by 20 % until 2020 in relation to previous estimates and the share of renewable energy of total energy consumption should be extended by 20 %. As a result, the "20-20-20 targets" contained binding commitments with respect to the reduction of emissions of greenhouse gases, the consumption of primary energy (as a result of increased energy efficiency) and the share of renewables in the overall energy mix. In order to implement these targets, the resulting "Energy Action Plan" of March 2007 passed by the European Council contained a number of measures for European institutions and nation-states. The plan shaped the EU's energy policy agenda by identifying five areas for priority action. In addition to promoting the internal energy market, the Council highlighted the issues of energy security, the development of an effective international energy policy, energy efficiency and renewable energy as well as the development of a European "Strategic Energy Technology" plan. As a reaction, the Commission published a proposal in January 2008 (entitled "Energy for a Changing World"), which again highlighted the role of renewable energy in achieving the defined EU's climate goals (see also Jacobs in Chap. 6).

Altogether, the framing of the EU's energy policy agenda has become more diverse since the late 2000s (or the 2007 spring European Council) with different institutions focusing on different policy frames. Problem perception did not remain centred on the internal market but increasingly linked the debate to issues of climate change and considerations of environmental policy. In this context, European institutions played different roles with regard to the agenda for a comprehensive EU energy policy. By formulating mid- and long-term policy goals (through the development of such a policy since 2005 and the specification of integrated climate and energy targets in 2007), the European Council put energy policy on the EU's

political agenda by means of the high-politics route and linked energy and climate-change issues. The Commission in turn was an important player in identifying key and priority areas of political action. By continuing to frame energy problems and challenges in the EU as internal market problems (see Ciambra and Solorio in Chap. 8, Jacobs in Chap. 6 or Brutschin in Chap. 10), the Commission also influenced the policy agendas of the Council and the EP (see Tosun in Chap. 12 or Bouzarovski and Petrova in Chap. 7).

### ***2.4.3 The Role of the European Parliament in the Development of a Comprehensive EU Energy Policy***

The European Council and the Commission defined a broad agenda with a focus on general principles and the elements of a future comprehensive EU energy policy. The debate created the framework for the energy policy agenda of the Council and the EP. I argue that the “macro-institutional change from formal sequential to informal simultaneous negotiations” (Farell and Héritier 2004, p. 1186) that was implemented with the co-decision procedure (introduced by the Treaty of Maastricht 1992 and refined by the Treaty of Amsterdam 1997) not only changed the bargaining power and decision-making patterns of the Council and the EP. I expect institutional conditions to also affect the agenda-shaping processes both within and across collective actors. On the one hand, the co-decision procedure defined the patterns of negotiation between the Council and the EP. On the other hand, it changed processes within organisations and strengthened the degree of influence of single individual actors (i.e. Members of European Parliament (MEP); see Farell and Héritier 2004).

This process was accompanied by the continuous differentiation of the committee system in the EP and the increasing specialisation of MEPs (Neuhold 2001). By the start of the sixth legislature (in 2004), the EP included as many as 20 standing committees. Energy policy has long been dealt with in the Industry, Research and Energy (ITRE) committee, which has traditionally been made up of experts or representatives from industry in recent parliamentary periods (McElroy 2006). Environmental issues have been debated in a separate group (i.e. the committee for Environment, Public Health and Food Safety, ENVI). It has been argued in the literature that the committee structure of the EP favouring specialisation in different policy areas inhibits horizontal policy coordination (Jordan and Schout 2006) and tends to concentrate the agenda on particular issues. As the following discussion shows, this structure has indeed gone along with a fragmentation of the energy policy agenda in the EP. While issues of energy security and the energy market have been debated in the ITRE committee, horizontal environmental legislation and policy making touches upon the competences of the ENVI group. As the energy policy example shows, the committee structure has led to separate and issue-specific political agendas in the EP.

In the process of developing a comprehensive energy policy, the ITRE committee of the EP sought to shape EU's energy policy agenda in particular prior to the resulting legislative procedures (in co-decision with the Council). In this context, two lines of attention have emerged since the early 2000s.

On the one hand, focus was on achieving the internal energy market. The realisation of the internal energy market was framed as favouring other goals such as energy efficiency, energy security and sustainability. In the EP's resolution on the "Prospects for the internal gas and electricity market" (2007/2089(INI)), emphasis was put on the need of ownership unbundling at the transmission level (i.e. separation of production and network operation) in order to stimulate investments in energy networks and grids. Further, the resolution called for closer cooperation between regulators on the national level to allow for harmonised and more effective regulation in particular with respect to trans-national issues. With this resolution, the EP shaped the policy agenda for the subsequent "Third Gas and Electricity Market" package, which was presented by the Commission in September 2007. This legislative package was the result of the co-decision process involving the EP and the Council. It consisted of two draft directives and three regulations with the goal to further liberalise and to work towards a common EU energy market (gas and electricity). In this context, the policy proposal aimed to develop an integrated transmission network in the EU, to facilitate third-party access and to promote an appropriate level of interconnections in the network (see Brutschin in Chap. 10 for further details).

On the other hand, the EP focused on the regulation of renewable energy generation in the EU thereby dealing with environmental implications and challenges of energy. The issue had been on the policy agenda already prior to the "Energy and Climate Change" package as presented by the Commission in January 2008 and the "Energy Action Plan" by the European Council of March 2007. By that time members of the ITRE committee had already initiated a number of resolutions that broached the issue of renewable energy in terms of both political targets and preparatory legislation. These preparatory acts were then incorporated in the Directive on the "Promotion of the use of energy from renewable sources" (Directive 2009/28/EC), which in turn became part of the "Energy and Climate Change" package. The directive was developed by the two involved committees (ITRE and ENVI) following the enhanced cooperation rules. As a consequence of the inter-committee cooperation, the EP's policy agenda contained both a focus on enhanced sustainability (e.g. for biofuels) and the overarching energy policy goals as specified by the European Council (see above Sect. 2.4.2). In addition, the package comprised three further legislative acts: a directive to reform the EU emission trading system, a decision to meet the Community's greenhouse gas emission reduction commitments and a regulation to limit CO<sub>2</sub> emissions from passenger cars. All fell under the responsibility of the ENVI committee.

Altogether, the comprehensive EU's energy policy agenda mainly shaped by the European Council and the Commission in the mid-2000s has found its way into the subsequent policy agenda of the EP and the Council. Through the "Third Gas and Electricity Market" package, decisions were made to strengthen the European

energy market along the lines of the Commission's green paper. The fact, however, that the EP had dealt with the topic already at an early stage (e.g. by means of its resolution on the internal energy market) illustrates that it was not the Commission to shape the policy agenda of the EP (see Princen 2007). Further, issue framing in the EP and the Council (regarding energy policy) seems to differ from the approaches initially advocated by the European Council and the Commission (see Alexandrova and Timmermans in Chap. 3 for similar observations). Since the beginning of the sixth term (2004), agenda-shaping activities in European Parliament had focused on the regulation of renewable energy as an integral part of a future comprehensive energy policy. The debate was marked by strong emphasis on the environmental and climate-related aspects of energy policy. It is not least for this reason, that the Council and the EP fully supported the 20-20-20 targets (advocated by the European Council in 2007) when passing the "Energy and Climate Change" package.

These findings illustrate that the policy agendas of different EU institutions have become more and more intertwined. In the development of a comprehensive European energy policy, the EP has indeed made use of its "conditional agenda-setting power" (Burns 2013, p. 139; see also Earnshaw and Judge 1997) in the decision-making procedures of the Council and the Commission. Further, agenda-shaping processes have become more complicated with the introduction of the European Citizens' Initiative in 2012. Since then, citizens have made use of their right to request the temporary stop the "Energy and Climate Change" package and its regulation until the signing of a comprehensive international climate treaty. As a consequence of this instrument of participatory democracy, the organised public has gained access to the agenda of the Commission. The ongoing initiative demonstrates that the public is indeed willing to make use of its right to shape the EU's energy policy agenda.

## **2.5 Conclusion: Towards a Comprehensive EU Energy Policy**

This chapter illustrated patterns and principles of agenda-shaping processes in the EU with respect to the field of energy policy. In so doing, it started out with an assessment of the institutional framework for energy policy making in the EU and how these rules have changed during the last six decades. The subsequent part presented a descriptive analysis of the emergence and development of energy policy agendas in two European institutions (i.e. the Commission and the Council). In this context, particular emphasis was on tracing agenda-shaping activities for policies on the generation and provision of energy. The third section of the chapter dealt with the recent attempts to design a comprehensive European energy policy—a process that started shortly after the turn of the millennium. It provided an analysis of how the 'problem' or challenge to pass a comprehensive energy policy has been

approached and how this was taken up on the subsequent policy agendas of different EU bodies (i.e. the selection of issues that made it to the Council's and the EP's debates). The aim of the analysis was to assess the degree to which agenda shaping in different EU institutions influenced (inter-) institutional policy agendas and subsequent decision-making processes.

Another focus of this qualitative study was to analyse how situational factors (e.g. problem perception or framing strategies) and institutional determinants (e.g. allocation of decision-making power or perceived authority for different policy issues) have shaped the energy policy agenda in the EU. The findings suggest that the idea to develop a comprehensive European energy policy has increasingly been on the political agendas of different EU institutions over a long period. The Commission and the Council have worked on general principles and overarching issues of energy policy since the 1970s. This laid the groundwork for the subsequent development of a comprehensive energy policy, which started with the 2005 spring European Council. The broad agenda-setting patterns reveal an increasing focus in different EU institutions on general principles in energy policy. This finding suggests that the issue (the idea to develop a comprehensive EU energy policy) was formed and promoted, at least in part, from within the EU institutions (Princen 2007). It was then further accelerated by external factors and events that allowed different institutions to pursue their preferred policies by adjusting their framing strategies.

These processes were facilitated by adjustments in treaty law and subsequent changes in the institutional framework that shaped the patterns of communication and influence of different EU institutions. With energy policy becoming a priority matter for EU policy making (with the Treaty of Maastricht 1992 and more explicitly with the Treaty of Lisbon 2007), the foundations were laid for policy actors in the EU to move the issue to the EU's inter-institutional policy agenda. In this context, institutional factors also shaped the framing opportunities for policy entrepreneurs (including the ability to link different issues; see also Cox and Dekanozishvili in Chap. 9).

Furthermore, the exploratory analysis showed how the agendas of different institutions relate to one another (see also Alexandrova and Timmermans in Chap. 3). In addition, it illustrated how different institutions tend to rely on specific framing strategies for perceived problems or policy issues. While the Commission considered the internal energy market as the main instrument to realise the stated targets of a comprehensive EU energy policy (see e.g. Jacobs in Chap. 6), agenda-shaping activities by members of the EP repeatedly focused on the environmental and climate-change implications of energy policy (see also Tosun in Chap. 12 for the role of the EP in agenda shaping). This interpretation is underscored by the inter-committee cooperation in the European Parliament in its consideration of the renewable energy directive.

These findings open up several avenues for systematic research on agenda shaping in EU energy policy. For example, how do institutional and external factors shape or constrain framing opportunities for policy entrepreneurs in different institutional venues? Which frames will win over others given environmental and

climate-change challenges? What is the impact of international developments (e.g. the failure to find an international agreement)? What is the prospect for EU energy policy given extended competencies in a number of areas in the light of limited resources? And finally, in what way does inter-institutional communication shape the EU's energy policy agenda? In order to answer these questions, further theoretical and empirical work will be needed. The following chapters and case studies will lend first insights into these issues.

## References

- Barnes, P. M., & Hoerber, T. C. (2013). Linking the discourse on sustainability and governance. In P. M. Barnes & T. C. Hoerber (Eds.), *Sustainable development and governance in Europe: The evolution of the discourse on sustainability* (pp. 19–33). London: Routledge.
- Bocquillon, P., & Dobbels, M. (2014). An elephant on the 13th floor of the Berlaymont? European Council and Commission relations in legislative agenda setting. *Journal of European Public Policy*, 21(1), 20–38.
- Braun, J. F. (2011). *EU energy policy under the treaty of lisbon rules: Between a new policy and business as usual*. Brussels: EPIN Working Paper No. 31.
- Burns, C. (2013). The European Parliament. In A. Jordan & C. Adelle (Eds.), *Environmental policy in the EU: Actors, institutions and processes* (pp. 132–151). London/New York: Routledge.
- Cobb, R. W., & Elder, C. D. (1971). The politics of agenda-building: An alternative perspective for modern democratic theory. *The Journal of Politics*, 33(4), 892–915.
- Cobb, R. W., & Elder, C. D. (1972). *Participation in American politics: The dynamics of agenda building*. Boston: Allyn and Bacon.
- Cobb, R. W., Ross, J.-K., & Ross, M. H. (1976). Agenda building as a comparative political process. *American Political Science Review*, 70, 126–138.
- Collier, U. (2002). European Union Energy Policy in a Changing Climate. In A. Lenschow (Ed.), *Environmental policy integration: Greening sectoral policies in Europe* (pp. 175–192). London: Earthscan Publications.
- Correljé, A., & van der Linde, C. (2006). Energy supply security and geopolitics: A European perspective. *Energy Policy*, 34(5), 532–554.
- De Jong, J., & van der Linde, C. (2008). EU energy policy in a supply-constrained World. *European Policy Analysis (Swedish Institute for European Policy Studies)*, 11, 1–9.
- Earnshaw, D., & Judge, D. (1997). The life and times of the European union's co-operation procedure. *Journal of Common Market Studies*, 35(4), 543–564.
- Egenhofer, C., Behrens, A., Tol, R. S. J., Berthélemy, M., Lévêque, F., & Jansen, J. C. (2011). Does Europe need a comprehensive energy policy? *Intereconomics*, 46(3), 124–142.
- EUR-Lex (2013). Access to European Union Law. Brussels.
- Farell, H., & Héritier, A. (2004). Interorganizational negotiation and intraorganizational power in shared decision making: Early agreements under codecision and their impact on the european parliament and council. *Comparative Political Studies*, 37(10), 1184–1212.
- Finon, D., & Locatelli, C. (2008). Russian and European gas interdependence: Could contractual trade channel geopolitics? *Energy Policy*, 36(1), 423–442.
- Hey, C. (2005). EU Environmental Policies: A short history of the policy strategies. In S. Scheuer (Ed.), *EU environmental policy handbook: A critical analysis of EU environmental legislation* (pp. 17–30). Brussels: European Environmental Bureau.
- Jordan, A., & Schout, A. (2006). *The coordination of the European union: exploring the capacities of networked governance*. Oxford: Oxford University Press.

- Knill, C., Schulze, K., & Tosun, J. (2011). *Measuring environmental policy change: Conceptual alternatives and research implications*. Working Paper Political Science Series 125. Institute for Advanced Studies, Vienna.
- Lenschow, A. (2002). *Environmental policy integration: Greening sectoral policies in Europe*. London: Earthscan Publications.
- Lenschow, A. (1999). Transformation in European environmental governance. In B. Kohler-Koch & R. Eising (Eds.), *Transformation of governance in the European Union* (pp. 37–58). London: Routledge.
- Lenschow, A., & Zito, A. (1998). Blurring or shifting of policy frames? The institutionalization of the economic-environmental policy linkage in the European community. *Governance*, 11(4), 415–441.
- Lucas, N. J. D. (1977). *Energy and the European communities*. London: Europa Publications.
- Mahmoudi, S. (2000). Protection of the European environment after the Amsterdam treaty. *Scandinavian Studies in Law*, 39, 123–137.
- Matlár, J. H. (1997). *Energy policy in the European union*. New York: San Martin's Press.
- McElroy, G. (2006). Committee representation in the European parliament. *European Union Politics*, 7(1), 5–29.
- Neuhold, C. (2001). The “Legislative Backbone” Keeping the Institution Upright? The role of European parliament committees in the EU policy-making process? *European Integration online Papers (EIoP)*, 5(10), 1–23.
- Oberthür, S., & Pallemarts, M. (2010). *The new climate policies of the European union: internal legislation and climate diplomacy*. Brussels: VUB Press.
- Piebalgs, A. (2009). *How the European union is preparing the third industrial revolution with an innovative energy policy*. EUI Working Papers RCAS 2009/11.
- Princen, S. (2007). Agenda-setting in the European Union: a theoretical exploration and agenda for research. *Journal of European Public Policy*, 14(1), 21–38.
- Princen, S. (2011). Agenda-setting strategies in EU policy processes. *Journal of European Public Policy*, 18(7), 927–943.
- Schmitt, S., & Schulze, K. (2011). Choosing environmental policy instruments: An assessment of the ‘environmental dimension’ of EU energy policy. In J. Tosun & I. Solorio (Eds.), *Energy and environment in Europe: Assessing a complex relationship? European Integration online Papers (EIoP)*, Special Mini-Issue 1, Vol. 15, Article 9.
- Single European Act (SEA) (1987) OJ L169/01.
- Solorio, I. (2011). Environmental policy integration (EPI) and the Europeanisation of the energy governance. In F. Morata & I. Solorio (Eds.), *European energy policy: The environmental dimension* (pp. 75–94). Barcelona: IUEE.
- Stern, J. (2006). The Russian-Ukrainian gas crisis of January 2006. *Oxford Institute for Energy Studies*, 16, 5–12.
- Tosun, J., & Solorio, I. (2011). Exploring the energy-environment relationship in the EU: Perspectives and challenges for theorizing and empirical analysis. In J. Tosun & I. Solorio (Eds.), *Energy and environment in Europe: Assessing a complex relationship? European Integration online Papers (EIoP)*, Special Mini-Issue 1, Vol. 15, Article 7.
- Treaty Establishing the European Economic Community (EEC) (1957) [hereinafter Treaty on the Functioning of the European Union (TFEU)].
- Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts (1997) OJ 97/C 340/01 [hereinafter Treaty of Amsterdam].
- Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (2007) OJ C306/01 [hereinafter Treaty of Lisbon].
- Treaty on European Union (TEU) (1992) OJ C191/01 [hereinafter Treaty of Maastricht].



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