Energy policy in the European Union: the power and limits of discourse

> Maya Jegen

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Maya Jegen is professor in the Department of Political Science at *Université du Québec à Montréal* (UQAM). Her research focuses mainly on energy and environmental policy and politics.

Contact: jegen.maya@uqam.ca

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Abstract:

Since the 1990s, the European Commission has pushed for the liberalization of European electricity and gas markets, gradually linked energy and climate policies, and asked for a common voice in energy relations with third parties. This paper documents how the Commission constructed a "competitive, sustainable and secure (CSS)" frame in order to justify its intervention in a policy domain which member states used to consider as a purely domestic one. To analyze the effectiveness of this discursive strategy, I propose a simple model that includes the Commission's framing (ideas), the Member State's energy situation (interests), and the existence of an EU regulatory space (institutions). How these three elements combine, strengthen or undermine each other helps explain how far the Commission was able to push its agenda. Comparing Germany, France and Poland, I show that the Commission's strategy was successful to the extent that it changed the discourse of member states. But due to important institutional and economic limits, policy implementation is uneven. Despite the Ukraine crisis, weak implementation remains striking with regards to energy external relations.

Key words:

European Union, energy policy, framing, France, Germany, Poland

Résumé:

Depuis les années 1990, la Commission européenne encourage la libéralisation des marchés d'électricité et de gaz, associe progressivement les politiques énergétique et climatique et réclame une voix commune dans les relations énergétiques avec les États tiers. Ce papier retrace la construction par la Commission d'un cadre « concurrence, soutenabilité, sécurité » devant lui permettra d'accroître sa marge de manœuvre dans un domaine politique traditionnellement considéré comme « national ». Pour comprendre l'efficacité de la stratégie discursive, j'analyse trois éléments : le cadrage de la Commission (idées), la situation énergétique des États membres (intérêts) et la présence d'un espace réglementaire commun (institutions). La manière dont ces trois éléments se combinent, se renforcent ou s'affaiblissent aide à comprendre jusqu'où la Commission a réussi à imposer son agenda. Comparant l'Allemagne, la France et la Pologne, le papier montre que la stratégie de la Commission a réussi dans la mesure où elle a modifié le discours des États membres. Toutefois, la mise en œuvre d'une politique énergétique européenne est inégale pour des raisons institutionnelles et économiques. Malgré la crise ukrainienne, les limites de la mise en œuvre demeurent frappantes dans les relations extérieures en matière d'énergie.

Mots clés :

Union européenne, politique énergétique, cadrage, France, Allemagne, Pologne

Introduction

While energy has been a salient issue in Europe for a long time, specific concerns have shifted over time. The European Coal and Steel Community dealt with coal production, the main energy source after World War II. The European Atomic Energy Community, established a few years later, was created in the aftermath of the Suez crisis. Nuclear energy was then considered as an alternative to the decline of coal reserves and as a way to reduce dependence on foreign oil. The oil shock of the 1970s put oil into focus and national energy policies were reorganized around national strategies of diversification. Energy policy issues lost some traction in the 1980s, not least because of decreasing oil prices, but they have been back on the political agenda since the 1990. Since then, the European Commission has shown remarkable leadership, first in pushing for the creation of a internal energy market, then by linking issues of climate change, security of supply, and the need for coordinated external action. Today, the result of this leadership is mirrored in the Energy article of the Lisbon Treaty.

As I argue in this paper, without having explicit powers with regard to energy, the Commission framed the need for a common energy policy by linking three issues that, initially, were not related and upon which the Commission had unequal authority: the internal market for energy, climate change, and external action with regard to security of supply. This is what I call the "CSS frame", whereby the objective of energy policy is construed as being about creating a *competitive*, *sustainable*, and *secure* market. This innovative frame has allowed the Commission to set the agenda in the field of energy policy from the mid-1990s on. To a large degree, Member States have bought into this frame. The question I explore in this paper is whether this frame was also effective in transforming the energy policy field – from a mainly domestic to a supranational policy – within the EU. To do so I compare the resonance of the CSS frame and its implementation in three large European countries with very different energy situations: France, Germany, and Poland.

To understand the effectiveness of a discursive strategy from agenda setting to policy implementation, I propose a simple model that includes three elements: the Commission's framing (ideas), the Member State's energy situation (interests), and the existence of an EU regulatory space (institutions). How these three elements combine, strengthen or undermine each other helps explain how far the Commission was able to push its agenda. Based on expert interviews in these countries and in Brussels, I argue that the CSS frame was successful to the extent that it has been taken over and incorporated in the everyday discourse of national policy makers. However, the CSS frame has been institutionalized to different degrees. The reason, I argue, is that the ambiguity of this frame has allowed national actors to emphasize the specific elements that were congruent with their national interests (Chester 2010). More progress was made when the Commission had a preexisting institutional basis as in the case of the internal market, where it drew upon its competence in competition or managed to push legally binding targets through as in the case of climate change. But when it comes to external relations, the Commission was unable to force Member States to change their positions through framing.

This argument is consistent with the literature on the role of ideas in public policy. The question I ask is not whether ideas matter, but how they matter (Blyth 2002, 2003). As Metha (2011: 24) writes, an idea does "matter when it (a) shapes people's

actions and (b) is not reducible to some other nonideational force". For Metha, problem definition and framing are similar in that they limit a complex situation by stressing some elements, but they are different in that framing insists more on how to package preexisting ideas to gather support for one's position. In that sense, a frame "point[s] to the cognitive process wherein people bring to bear background knowledge to interpret an event or circumstances and to locate it in a larger system of meaning. Framing processes are the ways actors invoke one frame or set of meanings rather than another when they communicate a message, thereby indicating how the message is to be understood" (Oliver and Johnston 2000: 45). With regard to energy policy, I look at the way different components – competition, sustainability, and security – are assembled and communicated to justify the need for common action.

In line with the Europeanization literature, I also look at how a body like the European Commission mobilizes Member States in support of a common policy through soft instruments of persuasion. Although I recognize that the Commission is made up of technocrats, diplomats and politicians with different profiles and institutional interests (Smith and Joana, 2002), the EU executive is considered, for the purposes of this paper, as a black box, speaking with a single voice to Member States. Schmidt (2006) argues that EU leaders can push for Europeanization through a mix of communicative (i.e., political) and coordinating (i.e., technical) discourses. There is a long tradition, to which I subscribe, according to which ideas are more likely to be effective when they are congruent with either institutions or (material) interests, and ideally both (Hall 1993; Surel 2000). The interplay of these three elements in the process of Europeanization is what I am interested in. The analysis I put forward does not sequence the role of ideas, interests and institutions and refrains from prejudging their respective impact (Hassenteufel and Smith 2002; Palier and Surel 2005).

The evidence presented in this paper suggests that the Commission's framing has worked best when it could either resonate with strong domestic interests or rely on an institutionalized regulatory space. Although compatible with it, this argument is different from Natorski and Herranz Surrallés' (2008) analysis of the EU's energy policy framing, which focuses on energy security whereas I include economic and environmental attributes in the CSS frame. For Natorski and Herranz Surrallés, the Commission and the Parliament's framing efforts, which they analyze as a securitization move in the Copenhagen school tradition, failed because it relied on too many "referent objects": for instance, the economy, European consumers, or national electricity structures. In contrast to Natorski and Harranz Surrallés, I do not attribute the failure of the Commission's framing effort to the ambiguity of the frame, which in fact probably helped Brussels' case to a large extent. Rather, I argue that this ideational strategy reached important *institutional* and *material* limits.

The paper is structured as follows: First, I outline the development of the European energy policy frame. Second, I analyze to what extent this discursive frame produced institutional results at the EU level. Third, I examine how Member State representatives interpret and use the frame today. The first two parts of the paper build on the analysis of official documents, whereas the third part refers to a case study that includes expert interviews conducted in three Member States, Germany, France and Poland, as well as in Brussels.

2.   CSS: Framing a European energy policy

While coal and nuclear issues topped the energy agenda in the early stages of European integration, oil dominated the agenda in the 1970s and 1980s. To protect economic activity from supply reduction and interruption, the Council of Ministers adopted a first directive (68/414/EEC) in 1968: Member States were asked to maintain a minimum stock of crude oil and/or petroleum products for 65 days of consumption. Growing concerns about import dependence let to an increase of this strategic reserve to 90 days in 1972 (directive 72/425/EEC). Similar measures to secure stocks of fossil fuels followed in 1973 (73/238/EEC) and 1975 (directive 75/339/EEC) in the wake of the 1973 oil crisis. The crisis also led to a growing intergovernmental cooperation that was institutionalized with the creation of the International Energy Agency (IEA) in 1974. The impetus for this new institutional arrangement came from the US and not from the Europeans, who considered that it would be "useful to study with other oil-consuming countries within the framework of the OECD ways of dealing with the common short and long term energy problems of consumer countries" (European Communities 1974: 487-490). Throughout the 1980s, energy policy in Europe focused basically on the reduction of oil imports from unstable producing countries; diversification was the key word for increasing energy security, but it was taken care of by the Member States.

From the 1990s on, energy policy attention shifted to market issues: the restructuring of energy markets in a new geopolitical context remained on the political agenda for the next 20 years. On the one hand, there were negotiations about international energy cooperation, which began with a political declaration in 1991 and led to the signature of an Energy Charter that became effective in 1998. This legally binding treaty encourages investment and trade through common rules, to guarantee reliable cross-boarder energy transit and promote energy efficiency. It also aimed at integrating the energy sector of the former USSR into European and world markets (Energy Charter Secretariat 2004). The integration and restructuring of energy markets were supposed to generate stable conditions for investments and, ultimately, ensure energy security.

On the other hand, the idea of the energy market as an instrument of energy security also emerged. For example, the *Green Paper for a European Union Energy Policy*, published in 1995, insisted that the establishment of market rules – contracts and conditions for investments – would contribute to energy security (European Commission 1995). The Green Paper and, even more, the *White Paper on an Energy Policy for the European Union* (European Commission 1996) that followed in 1996 began to advocate the integration of both an environmental and an external dimension into energy policy.

Even though environmental and foreign policies were referred to in the 1990s, it was the market issue that dominated the discussion. Despite controversy, the EU adopted its first directive concerning an internal electricity market in 1996 (Directive 96/92/EC). It established a certain degree of third party access to electricity networks and put an end to construction monopolies of power lines and power stations. With this directive energy policy issues started moving from Member States towards the European level. Eising et Jabko (2001) point out that this shift was not "a foregone conclusion at the outset in the energy sector. When the European Commission introduced a working paper on the Internal Electricity Market (IEM) in 1988, it only set the relatively modest goal of achieving price transparency and freer transit of

electricity across borders. In fact, the prospect of a European energy policy had initially appeared so utopian that the electricity sector was simply not mentioned in the original 1985 White Paper on the Internal Market."

In search for a common energy policy, the Commission pursued the consolidation of the internal energy market in the 2000s. Most Member States had implemented the first directive by September 2000, but the Commission considered the progress made towards liberalization insufficient. Thus, a second energy package was proposed to complete the internal electricity and gas markets (directive 2003/54/EC for electricity and directive 2003/55/EC for gas). The directives' objective was "to create conditions more conducive to genuine, fair competition and to put in place a true single market".[1]

Both these directives were replaced in 2009 by the ones following the third energy package: directive 2009/72/EC for electricity and directive 2009/73/EC for gas. Basically, the directives impose further requirements with regard to the unbundling of generation, transmission and distribution, impart more power of oversight and more cooperation among national regulators, and establish a European Agency for the Cooperation of Energy Regulators (ACER).[2] Since the first wave of liberalization rules, the Commission has attempted to break national and regional monopolies; these often vertically integrated electric utilities control prices on the wholesale market and prevent new market players from accessing the market.

Energy policy related activities within the EU proliferated in the 2000s, as the number of strategic publications illustrate: the Green Paper *Towards a European Strategy for the Security of Energy Supply* (2000), the Green Paper *A European Strategy for Sustainable, Competitive and Secure Energy* (2006), and the Green Paper *Towards a Secure, Sustainable and Competitive European Energy Network* (2008). Moreover, three Strategic Energy Reviews (2007, 2008 and the follow-up of 2009) were published. Underlying this discursive production was the argument, made explicit in the 2000 Green Paper, that "without an active energy policy, the European Union will not be able to free itself from its increasing energy dependence" (European Commission 2000: 2).

Finally, the European Commission proposed a "climate and energy package" in 2008 to implement the "20-20-20" targets by 2020, which imply the reduction of CO_2 emissions of at least 20% below the level of 1990, the increase of renewable energy to an amount of 20% of energy consumption in the EU, and the upgrade of energy efficiency to reduce the projected primary energy consumption by 20%.[3] By accepting this "climate and energy package", the Member States backed the Commission's drive for a common energy policy and approved an explicit link between climate and energy policies. The European Council reconfirmed this linkage in 2014 by the approval of the 2030 Framework for Climate and Energy, which includes the binding target of at least 40% reduction in CO_2 emissions by 2030 (compared to 1990), a binding target of at least 27% of renewable energy used at the EU level, at least a 27% increase of energy efficiency, as well as the completion of the internal energy market (interconnection target of 15% between Member States).[4]

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[1] http://europa.eu/legislation_summaries/energy/internal_energy_market/l27005_en.htm (accessed January 29, 2012.

[2] http://europa.eu/legislation_summaries/energy/internal_energy_market/en0016_en.htm (accessed January 29, 2012)

[3] http://ec.europa.eu/clima/policies/brief/eu/package_en.htm

[4] http://ec.europa.eu/energy/2030_en.htm (accessed December 11, 2014)

In the first decade of the 21st century, the Commission also became increasingly vocal about the need for a common energy policy with regard to external relations. The 2000 Green Paper alludes to geopolitical issues in the Middle East and to the fact that the EU lacks the powers and means to "negotiate and exert pressure" (European Commission 2000: 28). The 2006 Green Paper reiterates this need: "The energy challenges facing Europe need a coherent external policy to enable Europe to play a more effective international role in tackling common problems with energy partners worldwide. A coherent external policy is essential to deliver sustainable, competitive, and secure energy. It would be a break from the past, and show Member States' commitment to common solutions to shared problems" (European Commission 2006: 14). The call for an external energy policy was highlighted by the Russian cut-off of gas deliveries to Ukraine in early 2006. This incident illustrated Europe's vulnerability with regard to energy supply and infrastructures. The fear of gas shortages across Europe helped to integrate the external policy dimension into the common European energy policy frame.

The three dimensions – internal market, environment, and external relations – finally materialized in the 2009 Lisbon Treaty, which, for the first time, introduces energy as a "shared competence" (like the environment or the internal market), whereby Member States cannot exercise authority when the Union has done so. "Competitive, secure and sustainable" are used in almost every document produced by the Commission since the mid-2000s. In the development of this frame, "Kyoto" and "Moscow" were helpful external drivers (Convery 2009). More importantly, however, the very ambiguity of the CSS frame gave it a broad appeal reaching out to very different audiences, from large energy firms in Western Europe looking for geographical expansion to insecure political leaders in the Central Europe looking for guarantees vis-à-vis Russia, via German environmentalists. With CSS, the Commission managed to create a set of policy ideas that looks coherent: in this quasi-syllogism, sustainability is necessary to reduce insecurity, but competitiveness is necessary to tackle climate change (Wood 2010: 318). It is interesting to contrast Europe's energy policy frame with its North American counterpart to emphasize the uniqueness of the packaging of ideas: in the US, the reference to sustainability is virtually absent, while the reference to both sustainability and security is negligible in energy policy discussions in Canada (Jegen 2011).

3. Institutionalizing the CSS frame

To which extent has the CSS frame been institutionalized? Long without explicit powers over energy, the Commission referred to other competences to materialize a European energy policy. Exclusive powers in the field of competition and shared powers over the internal market and the environment helped the Commission institutionalize its energy policy frame, at least partially. In fact, one could argue that the CSS frame originated as much from the Commission's appraisal of its room for maneuver vis-à-vis Member States as from any objective assessment of the energy challenges facing Europe by Member States themselves. In this section, I distinguish competition, sustainability and security to explore how the Commission used the CSS frame to foster both EU-level coordination and domestic-level Europeanization.

3.1 Competitive Energy

As mentioned above, the Commission began in the mid-1990s to adopt directives to liberalize electricity and gas markets, using "competition" as its exclusive treaty power and also its internal market competence, which was much strengthened after the Single Market Program of the late 1980s. The move from domestic energy policies towards European rules was gradual. To push the liberalization process, the Commission first established informal structures to bring together state and non-state actors to discuss the construction of an internal electricity and gas market. The Florence forum for electricity was created in 1998 and participants meet once or twice a year. The same holds for the Madrid forum, created in 1999, which deals with gas.[5] The objective of these forums was to enhance the dialogue between the Commission, national actors and market players, but there was no regulatory power associated to these meetings.

The next step was the creation of the Council of European Energy Regulators (CEER) in 2000. CEER regroups the national regulatory agencies. Still informal, it is a more institutional venue for regulators as regular meetings facilitate the exchange of information. As Thatcher and Coen (2008: 813) note, it reduces "collective action problems by having narrower and hence less diverse membership". Three years later, the process was formalized with the creation of the European Regulators Group for Electricity and Gas (ERGEG), which advises the Commission with regard to implementation measures. ERGEG influenced, for example, the drafting of the third energy package. Backed by the Commission, it also launched regional initiatives in 2006 to accelerate the completion of the internal market.[6] The latest institutionalization move in the field of the internal energy market was the creation of ACER. Introduced with the third energy package in 2009, the agency based in Ljubljana became fully operational in 2011. It coordinates and complements the activities of national regulators, contributes to the establishment of European network and market rules, and monitors the functioning of electricity and gas markets as well as the work of European networks of transmission system operators (ENTSOs).[7]

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[5] Participants include the European Commission, Member States governments, national energy regulators, transmission system operators (TSOs), electricity traders, power exchanges, network users, and consumers.
[6] http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_ABOUT/ERGEG (accessed January 29, 2012).
[7] http://www.acer.europa.eu/Pages/ACER.aspx (accessed on December 11, 2014)

In sum, based on its competition and internal market powers, the Commission started an institutionalization process, from informal governance towards new institutions of coordination with formal powers. The breaking of trade barriers in the late 1990s was followed by vigorous regulatory initiatives. The forums were set up as a venue of information exchange, whereas a more powerful ACER centralizes and formalizes the network of national regulators and gains independence from Member States' governments (Thatcher and Coen 2008). In parallel, liberalization pressures have considerably reshaped domestic markets. For instance, small-business costumers can switch their supplier for electricity and gas since 2004, and, in theory, all consumers have the same choice since 2007.[8] In these two processes, a number of stakeholders have at least tacitly supported the Commission's efforts. There is no doubt that the European energy policy frame was followed by real instances of Europeanization with respect to its competitive component. One major hurdle, however, remains the paucity of infrastructures such as interconnectors. The EU recognizes the need for improving the infrastructure to transport energy efficiently to where it is needed and for eliminating technical barriers to cross-border trade. This points to the importance of institutions in supporting discursive strategies: In contrast to market *rules*, infrastructures are not covered by the EU's exclusive competence in competition policy and shared competence on the internal market.

3.2   Sustainable Energy

The EU has also emerged as an important actor in the context of the international negotiations on climate change. As a regional economic integration organization, it ratified the United Nations Framework Convention on Climate Change and the Kyoto Protocol, as did Member States. Schreurs, Selin, and VanDeveer (2009) explain the EU's leadership in climate change policy by a combination of actions by "green" Member States – Germany, Denmark, Sweden and the UK – as well as initiatives by the EU itself. Illustrations of this leadership are, the EU's "major role in bringing the negotiations on the Kyoto Protocol to a successful conclusion, in particular after the U.S. withdrawal", or the fact that the EU, based on Kyoto's flexible mechanisms, pioneered the establishment of a cap-and-trade system for CO_2 emission, the European Union Emissions Trading Scheme (EU ETS).

EU ETS is the most visible example of how the sustainable component of the energy policy frame was institutionalized. Ziesing (2009) argues that "the sampling that became EU ETS was a product of two failures; first, the European Commission failed in its initiative to introduce an effective EU-wide carbon tax in the nineties. Secondly, the Commission fought unsuccessfully against the inclusion of trading as a flexible instrument in the Kyoto Protocol in 1997". Whereas the idea of a carbon tax met with insurmountable opposition from Member States and industries, the idea of a trading system morphed into an opportunity for the Commission: a legal advice stated the Commission could ratify the Kyoto Protocol together with the Member States if it showed itself capable of contributing to the objectives. EU ETS became an essential element for the Commission to prove its qualification (Ziesing 2009).

EU ETS relies on directive 2003/87/EC. The pilot phase was launched in 2005 and was succeeded by phase II (2008-2012), which coincides with the period covered by the Kyoto Protocol. Member States decided on the volume of CO_2 emissions to be

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[8] http://ec.europa.eu/energy/gas_electricity/index_en.htm (accessed January 2012)

traded and on the conditions to do so. Member States then allocated allowances to their industries and electric utilities. Directive 2009/29/EC amended the previous directive and, in its phase III running from 2013 to 2020, EU ETS is being improved and extended. The individual allowance of Member States has been centralized at the EU level and auctioning – instead of free allocation – is now the default means for allocating allowances.[9] Besides EU ETS, the creation of the Climate Action Directorate-General (DG) in February 2010 can be considered as another institutional move. This DG pools climate-change related units from DG Environment, together with activities in DG External Relations and DG Enterprise and Industry. Climate action and energy are now merged in the Juncker College of Commissioners.

In sum, parallel to the institution building process that took place with respect to the competitive component, we observe significant institutionalization with regard to its sustainable component. In contrast to competition, climate action is a shared competence, like the internal market except that it is more recent and less developed. Whereas the internal energy market started out by networks of information exchange before moving to more binding policies, climate change policy relied early on binding targets. Also, the Commission's discursive strategy was helped by the commitment of some Member States, as well as the lock-in of the EU's negotiation system vis-à-vis climate change. For instance, 30 countries – the 27 Member States, Iceland, Liechtenstein, and Norway – are involved in EU ETS, which covers CO_2 emissions from power stations, combustion plants, oil refineries and iron and steel work, as well as from most factories. Gradually, the EU succeeded in softening Member States resistance to centralizing emission allocation plans.

3.3   Secure Energy

To some extent, the internal energy market can ensure the securitization of energy supplies, for instance, by the development of interconnectors inside Europe, which would allow electricity and gas to flow across Member States. However, there is an important external dimension to this issue where institutionalization is much more timid. In principle, the European Court of Justice (1977) argued that the EU's internal competences could be "projected" externally. The EU launched various initiatives with energy content such as the sub-regional energy dialogues with the Maghreb and Mashreq under the Euro-Mediterranean Partnership and the European Neighborhood Policy. In 2004, a bilateral political dialogue between the EU and the Organization of Petroleum Exporting Countries (OPEC) was set up. Also, the EU sought international partnerships with former communist countries such as a dialogue with Russia (2000), a Black Sea and Caspian Sea cooperation (2004), the Energy Community South East Europe Treaty (2005), as well as partnerships with Ukraine (2005) and Azerbaijan and Kazakhstan (2006) (Youngs 2009). Furthermore, in 2007, the Network of Energy Security Correspondents (NESCO) was set up to bring together central energy stakeholders in Brussels and the Member States; NESCO was considered as a "new tool for enhancing EU's external energy security".[10]

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[9] http://ec.europa.eu/clima/policies/ets/index_en.htm (accessed December 11, 2014)
[10] http://eeas.europa.eu/energy/network_en.htm (accessed January 29, 2012)

In spite of all these initiatives and rhetorical commitments on the part of European officials, much less coherent institution building seems to occur. At the time or writing, even the conflict in Ukraine, which started a year ago, has not led to significant advances in this area. As Baumann and Simmerl (2011: 31) observe, "from the European Neighborhood Policy – where it is included into the specific action plans – to the actual bilateral forums – e.g. the EU-China Energy Conference or the EU-OPEC Energy Dialogue – all these approaches remain a piecemeal strategy and are therefore not adequate to form the fundament of a comprehensive CEEP (Common External Energy Policy). Another important deficit is that all these initiatives are not inter-linked and thus possible synergies between them remain unused. So while those initiatives are per se desirable, their problem is that they are rather ad-hoc and without authority, and hence their added value to the strategic goal of increasing the EU's energy security is quite limited".

More importantly, we observe that the interests of Member States remain fundamentally heterogeneous: there is little agreement between countries that have different energy mixes, different suppliers, and different political allies. When compounded with the novelty of the EU's energy policy competence and the strong intergovernmentalist tradition that dominates external relations, it is not surprising that the Commission's discursive strategy has failed to produce tangible effects so far.

4.   Does the CSS frame resonate among policy makers?

As we have seen, European actors have been rhetorically pushing a common energy policy based on competitive, sustainable and secure components. Some of these ideas and rhetoric are substantiated in institutions: this is the case with regard to the internal market and sustainability (i.e. climate change), but less so when it comes to a common external energy policy. In this section, I look at the reception of the Commission's discursive strategy by national policy makers.

Although Member States adopted stepwise the three energy packages, the energy and climate package, and various directives and strategies with respect to competitive, sustainable and secure energy, it is not clear that Member States assess the three different components in the same manner. Fieldwork in Germany, Poland and France hints at a different interpretation of the common European energy policy among Member States. In Germany, where the market is reasonably competitive and supplies fairly diversified, energy policy is increasingly understood as an environmental issue. In Poland, by contrast, the security of supplies is a priority. While paid lip service, liberalization and environmental concerns are seen as constraints rather than drivers. With regard to France, its energy and climate policy objectives seem – at least on a general level – to match European goals.

4.1   Germany: enhancing climate policy

Germany is the largest economy in the EU and the fifth largest in the world. Compared to other modern economies, Germany still has an important industrial sector (25% of GDP). The German energy portfolio is relatively balanced with more than one-third of oil, 24% of coal, 23% of natural gas, 12% of nuclear and about 5% of renewable energy. Over the last decades, the energy mix has changed: compared to 1985, coal dropped by 40% and natural gas increased by 13%. Renewable energy – biomass, solar, wind and geothermal – experienced an average annual growth rate of 10.1% since 1995. Over 60% of German energy needs is imported (IEA 2007: 15-16). The "Big Four" – E.ON, EnBW, RWE and Vattenfallen – dominate the electricity market with three-quarters of the electricity production. The high-pressure gas system is controlled by five companies – E.ON, Ruhrgas, Wingas, VNG/Ontras, BEB and RWE – but 750 local gas companies are operating at the municipal level. In general, they are owned partly by the municipalities, partly by the big firms mentioned (IEA 2007: 30).

Germany also has an important environmental movement and the Green Party, in a red-green coalition with the Social Democrats, was in power from 1998-2005. Concerns of sustainable development such as the *Renewable Energies Act* (2000) or the decision to phase out nuclear energy were set on the political agenda during this period. Meanwhile Germany has become a leader in the development of renewable energy, notably wind energy, and its renewable technologies are among the most competitive worldwide. The nuclear accident in Fukushima in 2011 and the decision to phase-out nuclear power has accelerated Germany's energy transition. Thus, it comes as no surprise that Germany seeks to pursue a progressive sustainable policy on the European level, too: the sustainable – or climate change component – of energy policy within the EU is seen as very important: combating climate change implies reducing dependence on imported fossil fuels. The emphasis is on indigenous, renewable energy sources. The Kyoto process is seen as the catalyst for

the common European climate change activity and all German interviewees pointed to the key role Germany played with regard to climate change in the EU. Angela Merkel is seen as the "Climate Chancellor", who anchored climate-relevant issues as renewable energy and energy efficiency on the EU agenda during the 2007 EU presidency (while fighting skeptical industries at the domestic level).

The third dimension of the CSS frame, by contrast, does not seem to resonate much among German officials. From the German side, it is clear that private companies are the key players with regard to the internal energy market, but also with respect to international relations: it is up to German firms to close energy deals with their foreign counterparts. Even if the German government wanted to regroup the different interests of energy companies, it would not know how to do so. All German interviewees emphasized that German energy companies' interests do not necessarily coincide with the priorities of the German government. It would seem even more difficult for the European Commission to regroup these different interests and speak with one voice to Gazprom, for example. A diplomat argued that it might be useful to speak with one voice, especially with Russia, but he immediately added that Member States should not be restrained from concluding bilateral agreements. Thus, it seems that the fairly liberal state of the German energy market partly undermines attempts to create a strong external policy.

An expert on EU energy policy assesses that Member States from Central Europe need a common external energy policy with regard to supply security, whereas Western Member States and, the big ones in particular, only have a limited interest. In that sense, Germany subscribes to the spirit of solidarity evoked by the Lisbon Treaty, but circumscribes it when it comes to the funding of infrastructures. Again, the argument is that this is private companies' business: firms should take the profits, but also bear the risks. There is no impetus to ask for more EU activity. Germany's position has been reiterated recently, when the Polish Prime Minister Tusk proposed a Europe-wide energy union, including the idea of a centralized purchase of gas supplies. Angela Merkel supported the idea in principle, but was skeptical about the implementation of a common contract scheme because it would contradict EU's effort to deregulate energy markets.[11]

4.2   Poland: securing energy supplies

One of the Polish interviewees described Poland as "the largest amongst the poorest (within the EU) with a lot of aspirations", but also as "the poorest among the largest", meaning that because of its economic weakness it is not able to impact Germany, France or the UK as much as it would like to. Poland relies heavily on its domestic resources to secure its energy supply. Polish coal accounts for 55% of its primary energy supply and for 90% of electricity generation. 95% of its crude oil demand and about two-thirds of its gas demand are imported, whereof 94% of oil imports and over 80% of gas imports come from Russia (IEA 2011: 9-10). In addition, according to the OECD, "Poland is the OECD country where the grip of the state on the economy is the tightest, and privatization was largely stopped in the mid-2000s" (OECD 2010: 9). This is reflected in the energy sector where, for instance, the Polish Oil and Gas Company PGNiG controls 98% of the gas sector (Buchan 2010: 50). The electricity sector is dominated by an oligopoly, and there are two major oil companies that are

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[11] http://www.ecfr.eu/blog/entry/polish_initiative_for_an_energy_union (accessed December 15, 2014

not state-owned, but where the State Treasury is an important stakeholder and defines the policies.[12]

The concentrated energy portfolio and dependence vis-à-vis Russia explain why energy security is vital and why the climate change approach is a genuine challenge to Polish energy policy. It also explains why the Commission's CSS frame is interpreted differently than in Germany. Whereas Germans emphasize climate change in the CSS frame before competition and security, Poles give priority to security. As a Polish energy expert sums up: "If you look at Polish issues, than you can definitely put the supply issue at the top, it is the priority: how to make us less vulnerable to any potential problems with the supply from the East. Then, recently, the climate issue that emerged not as an opportunity, but as a challenge because of our coal dependence. Lastly, it's the market issue, which is still on the bottom of the Polish debate although, for the Commission, it is one of the corner stones". Indeed, the competitive component of the CSS frame is clearly the least important in Poland: "Electricity and gas markets are still dominated by incumbent companies, and competition is limited, particularly in the gas market" (IEA 2011: 13).

The Polish concern for energy security was highlighted in public in 2006 when the Polish Prime Minister Kazimierz Marcinkiewicz proposed to EU and NATO partners a treaty on energy security. Against the background of the Russian gas cut-off to Ukraine, which affected several EU Member States, the idea behind the treaty was based on the "musketeer principle": "All for one – one for all": if one of the members of such a treaty faces shortages of supply, the others should feel compelled to help out (Marcinkiewicz 2006). Shaped by the Russian legacy, the proposal mirrored Polish fears of a powerful neighbor and advocated a clause of mutual assistance in case of energy disruptions. At least on a symbolic level, Polish security concerns met with a positive response. The Lisbon Treaty adopted in 2009 includes a reference to the spirit of solidarity between Member States to ensure security of energy supply in the Union as well as to the promotion of the interconnection of energy networks; moreover, in the context of rising tensions with Russia over Ukraine, President Juncker has begun to stress the project of an Energy Union ("We need to pool our resources, combine our infrastructures and unite our negotiating power with third countries"[13]). This however does not answer the immediate energy problem of Poland, as summarized by a energy expert: "The problem is that countries like Poland and others ⟨from Central Europe⟩ are vulnerable here and now and not in 20 or 30 years from now".

Conversely, it is the sustainable component of the CSS frame that poses a significant challenge to Poland. Whereas indigenous coal is the pillar of its energy security strategy, European efforts to reduce CO_2 emissions without an international agreement run against the competitiveness of Polish industry: "The problem is not the level of ambition, the problem is competitiveness of the industry and carbon leakage", says a senior official. When negotiating the climate-energy package, Poland bargained hard and obtained some compromise. Poorer Member States will receive more emissions permits to auction, which will allow them to generate revenues from selling allowances. Moreover, Poland (and 9 other Member States)

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[12] Author interview April 2010
[13] http://ec.europa.eu/priorities/energy-union/index_en.htm (accessed December 15, 2014)

can apply for reduced, gradually rising auctioning rates in power production. These measures, it is hoped, should facilitate the transition to a low-carbon economy.[14]

4.3   France: Pursuing French policies within Europe

France has pursued a strong nuclear energy policy since the 1970 oil crises. In 2008, France generated 77% of its electricity from nuclear power. Although most of its oil and gas and all coal is imported, imports are diversified and France is a net exporter of electricity (IEA 2010: 15-17). Due to the importance of nuclear energy, France's economy is one of the least CO_2 intensive among industrialized countries. Following the adoption of the directives on the internal energy market, France disengaged somewhat from its traditional state monopolies, but the "French government still has significant stakes in GDF Suez (35.6%) and EDF (84.8%)" (IEA 2010: 16). This means that the positions of GDF and EDF are still quite dominant, that market prices and regulated tariffs coexist, and that consumers hardly take advantage of the internal market.

France's energy policy relies on four objectives: security of energy supply, competitive energy supply, sustainable energy development, and equal level of energy service to everyone. These objectives are mirrored in the 2005 *Energy Law*[15], which includes targets to reduce CO_2 emission, to promote renewable energy and energy efficiency. French objectives match fairly well with the CSS frame, or as a French expert explains "the [European] discourse is convenient for the French. Take the 2005 Law where we have these four objectives. There is an environmental policy objective, the reduction of CO_2 emissions, but there is also an objective of security of supply, and an objective of having energy access at a low price. The idea that energy policy serves different objectives is not at all incongruent with our approach."

Two other examples illustrate the issue linkage in France in terms of sustainable development: The *Grenelle de l'environnement*, an initiative including political meetings between state and non-state actors, was launched by Nicolas Sarkozy in 2007 and resulted, among others, in different pieces of legislation which define sector specific targets (e.g. building energy improvements, environment friendly organization of transport). Second, and also in 2007, different ministries were integrated into the new Ministry of Ecology, Sustainable Development, Transport and Housing in an attempt to enhance its status and to assign it to a Minister of State. France was proactive during its EU presidency in 2008 and pushed through the energy and climate package in a record time. Despite rocky relations with the Greens, President Hollande has raised the stakes with the organization of COP 21 in Paris, scheduled for 2015 and which is meant to be a high point of his tenure.

A French official makes clear that France wants an integrated energy policy approach addressing all topics to avoid a perceived drift towards a European energy policy that would address only market issues. This is where the French nuance on the CSS frame comes in: even though France supported all three energy packages and is in favor of the internal market, it does not entirely share the (Anglo-Saxon) conception of liberalization promoted by the Commission. Again the French official:

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[14] http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/misc/107136.pdf (accessed January 29, 201)

[15]http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=F23F8912E2543DC7AB0435B14FDABD9F.tpdjo13v_3?cidTexte=JORFTEXT000000813253&dateTexte= (accessed January 29, 2012)

"We are not against opening up to competition, but we don't think that it is enough just to liberalize the market in order to make it work (…). We don't translate security of supply and competitiveness solely into the break up of big energy companies". In other words, the competition dimension of the CSS frame resonates in France, although the conception of liberalization and competitiveness is perceived somewhat differently in Paris and in Brussels.

Finally, France perceives the need of a common external energy policy with regard to supply security in a similar way as Germany. France has a large diplomatic service, which deals with all issues, including with energy policy. Like Germany, France has energy firms capable of negotiating contracts on their own with foreign suppliers. As a French official sums up: "Our companies make deals with their partners. We don't want to interfere and we certainly don't want the Commission to interfere".

Conclusion

This comparison between Germany, Poland and France helps elucidate both the conditions for success and the limitations of a discursive strategy. Despite the lack of a formal mandate, the Commission has managed over the past 20 years to expand its power in the field of energy policy. It has done so by developing a discursive strategy that became progressively accepted by policy actors and led to some institutionalization. The success of the CSS frame is largely based on its polysemic nature. Much like in the case of the Single Market Program of the 1980s (Jabko 2006), the Commission has skillfully manipulated a strategic repertoire of ideas linking the free circulation of services and competition with the environment and external security. This seemingly coherent discourse is what allows the CSS frame to resonate with different categories of actors in different Member States, from environmentalists to nuclear producers, and from conservative politicians to liberal economists. To a large extent, the CSS frame has been seized and "used" by policy actors in their everyday discourse, both at the EU and at the national level (Jacquot and Woll 2008). Of course, each of these actors has his way of establishing a hierarchy between the different elements of the frame. Natorski and Herranz Surrallés (2008) make the same finding within the Commission itself, where different DGs naturally have different priorities when it comes to energy policy.

But, as I argued, this productive discursive strategy has also reached important limits. The Commission's energy policy frame faces different material situations. Rather than focusing only on ideas, the model I proposed includes three elements to understand the effectiveness of a discursive strategy: the Commission's framing (ideas), the Member State's energy situation (interests), and the existence of an EU regulatory space (institutions). The Commission's framing was most effective when it was harnessed to the Commission's strongly institutionalized competence, whether because it is exclusive vis-à-vis Member States (competition) or because it is well established (internal market). Although less institutionalized at the EU level, the sustainability dimension also made some progress because it had a strong resonance with some member state interests. Security, however, is a component of the frame that, even though it strongly resonates with public perceptions, especially in countries such as Poland, cannot rely on formal institutions or the interests of large states. As a result, it has remained the poor relation of the EU's energy policy even after relations with Russia soured around the conflict in Ukraine. In that regard, I concur with Natorski and Herranz Surrallés (2008) but for different reasons: it is not the content of the CSS framing that is problematic, but its lack of institutional and material support.

Acknowledgement

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